

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: 2011-031138R

ADDRESS 3704 Bonnell Drive

Contact: Sylvia Benavidez, 974-2522

Public Hearing: ~~May 4, 2011~~ July 6, 2011

Residential Design and Compatibility Commission

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

Cornelia Le Mond
Your Name (please print)

3705 Bonnell Dr.
Your address(es) affected by this application

Cornelia L. Le Mond 6/25/11
Signature Date

Comments: House is too Big for Lot.

If you use this form to comment, it may be returned to:

City of Austin

Sylvia Benavidez

P.O. Box 1088

Austin, TX 78767-8810

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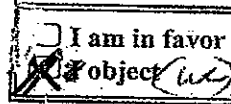
Case Number: 2011-031138R

ADDRESS 3704 Bonnell Drive

Contact: Sylvia Benavidez, 974-2522

Public Hearing: ~~May 4, 2011~~ July 6, 2011

Residential Design and Compatibility Commission



JEANIE + COLEY COWDEN

Your Name (please print)

3708 BONNELL DR. 78731

Your address(es) affected by this application

Janie Cowden + Coley Cowden 6-17-11

Signature

Date

Comments: The proposed home is grossly
over sized for our neighborhood. And
is most assuredly not compatible
in scale and bulk to our street and
other structures in the area.

It is not consistent with the streetscape of
the properties in the vicinity.

It is not consistent with the massing, scales
and proportion of structures located on the side or
behind the development.

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Austin, TX 78767-8810

Case Number: 2011-031138R: Address: 3704 Bonnell Drive:
Contact: Sylvia Benavidez
Public Hearing : July 6, 2011: Residential Design & Compatibility Commission

I Object--- Tom Shelton
Tom Shelton-My address 3703 Mt. Bonnell Rd.

Dear Madam/Sir,

I share a back lot line with the property in the application and I have cast a vote of "no" regarding the variance on the FAR restriction. I have spent close to a month and a half trying to learn as much about the situation as possible, educating myself on reason for the law, meeting with owner/builder several times, gathering information from Sylvia Benavidez, meeting with several neighbors, and have found absolutely no other reason for the owner's request other than he wants to build a very large home on the 2nd smallest lot in the neighborhood.

If the owner had been looking to build slightly closer to the property line to save several oak trees for example--I would be wholeheartedly for his exception to the Ordinance. I don't know why the McMansion law exists if not for cases like this.

There are 15 homes within 300 feet of the property that is the subject of the variance request however, there are 4 homes that form a sort of "U" around the proposed lot that would be most impacted by the construction--myself (3703 Mt. Bonnell Road), the home of Lynn Hill/John Deigh, the home of Holton Burns (directly next door to the lot), and Cornelia and Tom LeMond (3705 Bonnell DR.) The LeMonds live directly across the street from the lot, Lynn/John and I share the back lot line, and Mr. Burns lives directly next door. And we all object to the application for the variance.

I think it is very important to mention Holton Burns. He is out of the country working on a project and obviously has not been able to attend either of the two hearings or meet with the neighbors but is very concerned with this matter and has voted "no" by email. Mr. Burns could end up being the most affected as he is the direct next door neighbor. By the simple gesture of dropping a note off with his current house-sitter, I was able to get his email and have emailed him 7-10 times regarding this matter.

At the RDCC hearing, the owner Mr. Clark has specifically mentioned Lynn Hill as being really the main opponent of the proposed variance. Except for the RDCC form letter being sent to Mr. Burns from the City, I am very curious as to whether the owner has made any effort to contact Mr. Burns (as I have) seeing as he may be more affected than Lynn Hill and perhaps, a more vocal opponent of the variance. As I mentioned above, Mr. Burns home, my home, the LeMonds, and Lynn/John's home are the four that directly form a "U" shape around the vacant lot.

For some factual perspective, it was shocking to take a look at the sheet provided by builder to the City Commission regarding the surrounding homes and their square footage, their lot size, and their FAR's.

1. The proposed home is the 2nd smallest lot of the 15 lots yet would have the 4th largest square footage.
2. My house for some perspective is on a lot approximately 40% larger, and has four bedrooms. The proposed home would have 5 bedrooms and would be a whopping 50% larger than mine!
3. The house built on 2 combined lots down the street from proposed home only has a 29% FAR. And this is calculated on the square footage of just one lot, not two!
4. None of the 15 homes have a FAR in excess of 40%. In fact, 80% of the homes have a FAR of less than 30%, and only one has a FAR as large as 38%.

As the commission knows by now, there have been numerous meetings between the owner/builder/designer and Lynn Hill, John Deigh and I. I think all sides have been very cordial and truly been interested in the viewpoints of both sides. We have looked at many house plans and even traveled to Round Rock to see a model home similar the one proposed home. However, the end result of every single meeting is exactly the same. The owner wants us to vote "yes" so he can have a huge home on this small lot and so he can also have a view of the UT tower and perhaps a pool.

My personal viewpoint from all these meetings could best be described as confusion. I'm wondering why all the neighbors are being asked to vote "yes" on the variance when all of these issues could have totally been avoided from the start and could still quickly and easily still be solved.

While it is in what I think is a nice neighborhood, this lot has been vacant a long time due to its unique size. I still can't understand why with a large family (and wanting pool also) that this small lot was chosen. And for a view of the UT tower, why weren't height restrictions, FAR restrictions looked into before the purchase?

I wouldn't dare presume to tell anyone what lot to buy, what house to build, etc. But I just can't understand this proposed house on this lot when you can venture to the surrounding neighborhoods of Tarrytown and Old Enfield to see hundreds, if not thousands of wonderful homes built on lots of this size. There are too many to count 3 or 4 bedroom bungalow style, ranch style, stone houses, cottage style homes that look fantastic and actually fit the lot. I thought the reason for this ordinance and for deed restrictions were to preserve the integrity of the neighborhood as I so often see it stated.

Not only could all this have been avoided but another thing that could solve this whole matter and it's an issue which never, ever seems to be brought up at the meetings with owner---simply re-draw the plans to match all the requirements. It was strange to be standing in the model home and being asked to vote yes when all the rooms in the model home dwarf the size of the rooms in my own house!

At the last hearing, the RDCC mentioned that letters such as this can be very helpful. Time is very limited at the hearings so I wanted to address a few comments that have been made towards my neighbors.

First, the owner of proposed house said "he thinks that basically we don't want a house being built on the lot." This could not be further from the truth. We just feel strongly about the rules set up to preserve the neighborhood. We don't feel like there should be an exception unless for a good reason...one besides just wanting a huge house.

Second, the owner mentioned at the RDCC meeting "how he saw this lovely lot, how he has four kids and one on the way, how he went to UT and wants a view of the tower, how he wants to be a great neighbor" and so on. I won't put words into my neighbors mouths (and Holton on one side is out of the country) but this was very upsetting to me particularly when we don't all have time to speak. Each and every one of us had that same first impression when we saw our future lot, I also went to UT and love the tower, and we all have families and friends that we are excited when they can share our house with us. I just think it's wrong for any one neighbor should claim that they have some sort of moral high ground above the rest of the neighbors for purposes of applying for a variance.

Third, in his June 1 presentation to the commission, the owner has told the commission he has bent over backwards to accommodate us and spent all this time trying to meet with us, and he has tried to do everything he can, and so on. I found these comments extremely surprising (and sort of rude towards one particular neighbor) as the above ones. My neighbor Lynn Hill (and to a lesser extent, myself) have:

- Met with Sylvia Benavidez and other city employees downtown to understand FAR and other development issues
- Hired and met with Geologist to find out impact the cut on land will disturb the balcones fault line
- Traveled up for about 3 hours one evening out to Round Rock to see a model home of what they propose to build
- Met with owner and or builder on lot to see the height of home/impact on trees
- Countless hours speaking to other neighbors
- Corresponded on about ten emails back and forth with neighbor out of country Holton Burns
- Researched deed restrictions with survey and title companies, and with the Travis County Clerk's real property public database

Sorry for the length but I knew the commission had wanted the viewpoint of some of the other neighbors and I thought some of the personal comments at the hearing had not painted a full picture of the situation.

Thank you,

Tom Shelton

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Case Number: C15-2011-0110 - 3704 Bonnell Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 27th, 2011

SARAH LYNN HILL John Deigh

Your Name (please print)

☒ I am in favor
☐ I object

3701 MT BONNELL ROAD

Your address(es) affected by this application

A. Lynn Hill John Deigh 10/21/2011

Signature

Date

Daytime Telephone: 512 371-1254

Comments: THE BOARD SHOULD CONSIDER
AND FAIRLY ENFORCE THE MCMAHON
ORDINANCE AND REMEMBER ITS
INTENT. DO NOT PROVIDE
LODP HOLES!

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City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

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Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 27th, 2011

ROBERT G. BONNELL

Your Name (please print)

☒ I am in favor
☐ I object

3503 BONNELL G. AUSTIN 78731

Your address(es) affected by this application

Signature

Date 10/18/11

Daytime Telephone: 512-232-5562

Comments: I SUPPORT THE APPEAL OF

MR. HILL AND MR. DEGL AND OPPOSE THE PROJECT AS PLANNED. THE HOUSE IS TOO BIG FOR THE LOT.

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Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 27th, 2011

Robert S Radebaugh
Your Name (please print)

3500 Bonnell CT

Your address(es) affected by this application

Just D Gooden
Signature

10/17/2011
Date

Daytime Telephone: 512-346-9983 x115

Comments: Given the very small lot size the mass of this proposed house does not conform with the surrounding neighborhood. To approve this on a technicality would set a bad precedent. There is a reason surrounding property owners are so overwhelmingly opposed to this development

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<input checked="" type="checkbox"/> I am in favor <input type="checkbox"/> I object
--

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Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 27th, 2011

Philip & Kristie Kiser

Your Name (please print)

3710 Bonnell Dr. 78731

Your address(es) affected by this application

[Signature]

Signature

10/17/2011

Date

Daytime Telephone:

210-845-9218

Comments:

☒ I am in favor
☐ I object

If you use this form to comment, it may be returned to:

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 Susan Walker
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Case Number: C15-2011-0110 - 3704 Bonnell Drive
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, October 27th, 2011

John Thomas "Tom" Shelton
 Your Name (please print) ☒ I am in favor ☐ I object

3703 MT. Bonnell Road
 Your address(es) affected by this application

Don Walker 10-16-11
 Signature Date

Daytime Telephone: 453-5947

Comments: _____

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Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 27th, 2011

PATRICIA E. ZURK
Your Name (please print)

☒ I am in favor
☐ I object

3803 MT BONNELL Rd, Austin TX
Your address(es) affected by this application

Patricia E. Zurk *17 Oct 2011*
Signature Date

Daytime Telephone: _____

Comments: _____

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Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 27th, 2011

Elizabeth Schultz

Your Name (please print)

3503 Bonnell Ct. Austin TX 78731

Your address(es) affected by this application

Gina A. Per

Signature

10/18/11

Date

Daytime Telephone: 512-374-9550

Comments: I support the appeal by Mrs. Hill and Mr. DeSlo.

It is important to reiterate that this will be the fifth largest house on the third smallest lot. If it's so important to the owners to have such a huge house, they should never have bought such a small lot.

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Susan Walker

P. O. Box 1088

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Case Number: C15-2011-0110 - 3704 Bonnell Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 27th, 2011

John Thomas "Tom" Shelton

Your Name (please print)

☒ I am in favor
☐ I object

3703 MT Bonnell Road

Your address(es) affected by this application

Susan Walker

Signature

Date

Daytime Telephone: 512-453-5949

Comments:

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker
P. O. Box 1088
Austin, TX 78767-1088



To: Mr. Jeff Jack, Chair and
Members of the Board of Adjustment

From: John M. McDonald, Planner Principal
Planning and Development Review Department

Date: October 27, 2011

Re: An Administrative Appeal Request
Case No. C15-2011-0110
Section 3.3.3 (C)(5) of Subchapter F; Residential Design and Compatibility
Standards

Mr. John Deigh and Sarah Lynn Hill (the "Appellants") have filed an administrative appeal, requesting an interpretation of whether the Planning and Development Review Department's Director properly applied and interpreted the provisions of Section 3.3.3(C)(5) to exempt sections of a building under Article 3 of Subchapter F (Residential Design and Compatibility Standards).

The related provisions and the one under question are as follows:

SUBCHAPTER F: RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS.

ARTICLE 3: DEFINITIONS AND MEASUREMENT.

§ 3.3. GROSS FLOOR AREA.

In this Subchapter, GROSS FLOOR AREA has the meaning assigned by Section 25-1-21 (*Definitions*), with the following modifications:

3.3.3. Porches, basements, and attics that meet the following requirements shall be excluded from the calculation of gross floor area:

C. A habitable portion of an attic, if:

1. The roof above it is not a flat or mansard roof and has a slope of 3 to 12 or greater;
2. It is fully contained within the roof structure;
3. It has only one floor;
4. It does not extend beyond the footprint of the floors below;

5. It is the highest habitable portion of the building, **or a section of the building**, and adds no additional mass to the structure; and

6. Fifty percent or more of the area has a ceiling height of seven feet or less.

***Special Note: Exhibits A and B (attached) which are staff memorandums can be helpful in understanding the six criteria above.**

Any proposed design for new construction can exempt all of the highest habitable area as long as it meets the six requirements or sections of the proposed building. The provision in 3.3.3(C)(5) that speaks to adding additional mass to the structure has no reference point as it relates to new construction, as long as the other five criteria are met.

The language that speaks to prohibiting additional mass in Section 3.3.3(C)(5) more directly applies and is the intent of the ordinance to allow a person to finish out existing attic space or storage space where the mass already exists within a building and the six criteria can be met.

FINDINGS

Staff does not believe there is reasonable doubt or difference of interpretation as to the specific intent of the regulations, because any design for new construction can have attic space or sections of the proposed building that would meet the six criteria for being exempt from gross floor area calculations.

Staff believes the use provisions clearly permit the use which is in character with the uses enumerated for the various zones and with the objective of the zone in question because all one and two-family dwellings must meet both the site development regulations of the base zoning district, along with the provisions of Section 3.3.3(C)(5).

The interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated; in that, all proposed designs for one and two-family new construction must meet the provisions of Section 3.3.3(C)(5).

If you have any questions, please contact me at 974-2728 or by e-mail at john.mcdonald@austintexas.gov.

cc: Greg Guernsey, Director, PDRD
Brent Lloyd, Law Department
Donald Birkner, Assistant Director, PDRD
Kathy Haught, Division Manager, PDRD
Chris Johnson, Development Assistance Center Manager, PDRD
Susan Walker, Planner Senior, PDRD



MEMORANDUM

TO: Residential Review

FROM: Erica Eichert, Supervisor, Residential Review
Watershed Protection and Development Review Department

DATE: 4/4/2007

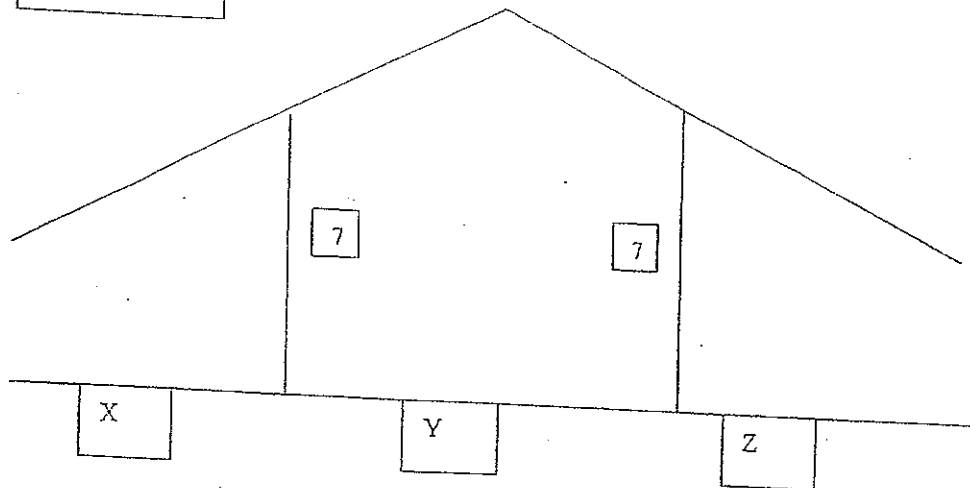
SUBJECT: Attic Space and Gross Floor Area

Unfinished, non-habitable attic spaces accessed with pull-down stairs or ladders are not counted towards the gross floor area of a building. These areas may only be used for storage and no walls are permitted in these areas, unless counted towards gross floor area.

Attic storage accessed through an interior door will be counted as gross floor area until the space reaches a clear height of 6' or less.

When determining whether a habitable portion of an attic qualifies for the gross floor area exemption, the entire attic floor space is counted towards the area of the attic. In the example below, $X + Z$ must be greater than Y to qualify as "habitable attic."

Typical Section



Erica Eichert, Supervisor, Residential Review
Watershed Protection and Development Review Department



MEMORANDUM

TO: American Institute of Architects- Austin

THRU: Residential Review Planners and Residential Inspectors

FROM: Daniel Word, Planner II, Residential Review Division
Watershed Protection and Development Review Department

DATE: July 29, 2008

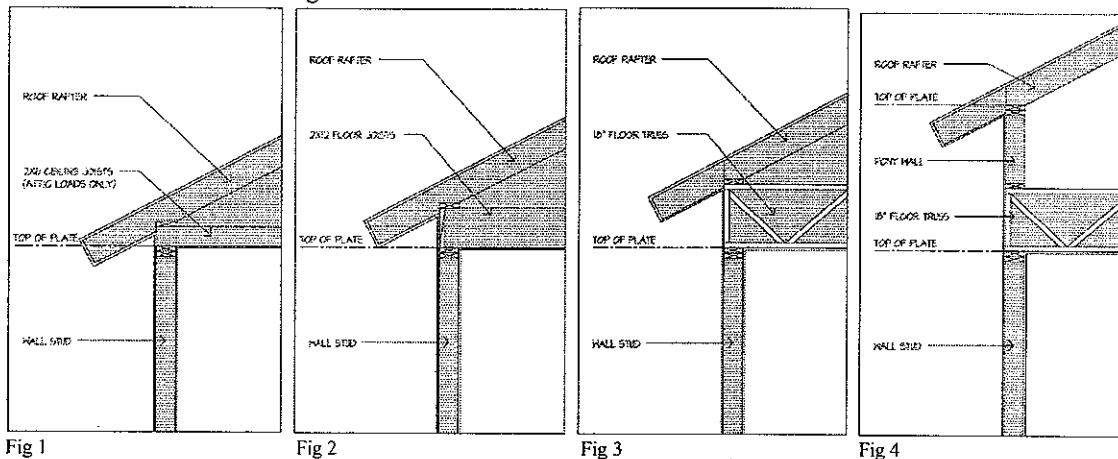
SUBJECT: Habitable Attics and Gross Floor Area

Section 3.3.3 (C) of Subchapter F, commonly referred to as the "McMansion" ordinance, allows for the exclusion of a habitable portion of an attic from the gross floor area measurement prescribed in the Land Development Code if:

1. The roof above is not a flat or mansard roof and has a slope of 3 to 12 or greater;
2. It is fully contained within the roof structure;
3. It has only one floor;
4. It does not extend beyond the footprint of the floors below;
5. It is the highest habitable portion of the building, or a section of the building, and adds no additional mass to the structure; and
6. Fifty percent or more of the area has a ceiling height of seven feet or less.

Under the second provision, the space must be "fully contained within the roof structure." For the purposes of implementing Subchapter F of the Land Development Code, this is interpreted to mean that the attic space is contained between the underside of the roof rafters and the top of the ceiling joists, floor joists, or floor truss, provided that the finished floor of the attic space does not drop below the height of the ceiling joists, floor joists, or floor truss at the intersection with the exterior walls. This is to prevent the floor surface within the attic space to be artificially lowered in order to gain additional ceiling height that would not otherwise be present.

Please refer to the following sketches for further clarification:



Figures 1, 2, and 3 are examples of acceptable construction methods that would qualify as being "fully contained within the roof structure." Figure 4 is a sketch of an unacceptable construction method for the purpose of qualifying as being "fully contained within the roof structure." This attic area would not qualify for exclusion from the calculation of gross floor area.

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing;

- and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2011-0110 - 3704 Bonnell Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 27th, 2011

Wayne Edwards

Your Name (please print)

3501 Bonnell Ct. Austin TX 78731

Your address(es) affected by this application

Wayne Edwards

Signature

Date

Daytime Telephone: 512-467-2714

10/17/11

☒ I am in favor
☐ I object

Comments: The mess on bulk of the house

is even mess than that the RDC denied

Some notes have 20' ft plus ceiling which was

to bulk and height. but one not included twice

in sq.ft. The freights of bedrooms 4x5

is "inherently objectionable" as invisible

in calculations for the 40'6 is not final.

Thank you for your consideration

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

PUBLIC HEARING INFORMATION

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An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

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Case Number: C15-2011-0110 - 3704 Bonnell Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 27th, 2011

Donna P. Edgar ^{Secretary} for HPLBANA board
Your Name (please print) Highland Park West Balcones Area Neighbor hood Assoc.

☒ I am in favor
☐ I object

my home address is 5409 Highland West Dr. however I am an "interested party" affected by this application because I am secretary of HPLBANA.

Susan Walker
Signature

Date

Daytime Telephone: 512-452-7596

Comments: The neighborhood association, HPLBANA, has met with both parties, heard each side and had lengthy discussions. HPLBANA has written a letter opposing this house, the majority of board members the proposed plan violates both the qualitative and quantitative measures of the RDCGL (Mansion Ordinance). We support the position of Blum Hill, John Deigh and the nine nearby neighbors, all of whom do not wish to see this building plan go forward.

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
INTERPRETATIONS
PART I: AGGRIEVED PARTY'S STATEMENT

C15-2011-0110
TP-0125070317
ROW-10659412

RECEIVED

SEP 15 2011

CITY OF AUSTIN

STREET ADDRESS: 3704 Bonnell Drive, Austin, TX 78731

LEGAL DESCRIPTION: Subdivision – Mount Bonnell Terrace Section 3

Lot 1 Block E Outlot --- Division ---

ZONING DISTRICT: SF-3

WE Sarah Lynn Hill and John Deigh on behalf of ourselves affirm that on the 15th Day of September, 2011, hereby apply for an interpretation hearing before the Board of Adjustment.

We appeal the August 26, 2011 decision of Greg Guernsey of the Planning and Development Review Department to "approve for permit" the building plans for 3704 Bonnell Drive, attached as Exhibit Ex1; alleging error was made in the decision by an administrative official.

Appeal #1:

We assert that error was made by the administrative official relating to the calculation of Floor-to-Area Ratio (FAR) as same relates to ceiling height greater than 15 feet.

Planning and Development Review Department interpretation is: the areas of the proposed structure that have a ceiling height greater than 15 feet do not need to be counted twice when calculating the Gross Floor Area (GFA) of the structure under the provisions of Article 3, Section 3.3 of the Land Development Code Chapter 25-2, Subchapter F: Residential Design and Compatibility Standards ("McMansion" Ordinance), because the requirement to double-count such areas does not appear in the current electronic and printed versions of the McMansion Ordinance. As a result, the Department accepted David Weekley Homes' calculated GFA of 4,537 square feet for the structure, attached as Exhibit Ex2. Since the Lot Area is 11,683 square feet, the resulting Floor-to-Area Ratio (FAR) is 38.83% (4,537 / 11,683). Based on this calculation the FAR does not exceed 40%, and the applicant can proceed without applying to the Residential Design and Compatibility Commission (RDCC).

We feel the correct interpretation is: the areas of the proposed structure that have a ceiling height greater than 15 feet do need to be counted twice when calculating the Gross Floor Area of the structure under the provisions of Article 3, Section 3.3 of the McMansion Ordinance. This requirement was Subsection 3.3.3 of the McMansion Ordinance that became effective October 1, 2006, attached as Exhibit Ex3. The requirement does not appear in the current electronic and printed versions of the Ordinance, attached as Exhibit Ex4, due to a clerical error, but this does not mean the requirement was deleted. It was already in effect before the

Ordinance was amended in 2008, and it remains in effect because the 2008 amendments did not strike or amend the requirement.

The plans submitted by the applicant show that the family room and foyer have ceiling heights between 20 and 22 feet (section of first floor layout showing this attached as Exhibit Ex5). Based on the dimensions shown on the plans, these areas have a combined floor area of at least 450 square feet. Properly double-counting these floor areas would increase the GFA from 4,537 to at least 4,987 square feet. This means the FAR would increase from 38.83% to at least 42.69% ($4,987 / 11,683$), which exceeds 40% - the maximum amount of development permitted under Section 2.1 of the McMansion Ordinance.

We are asking the Board of Adjustment to find that the Planning and Development Review Department made an error in its decision to "approve for permit" by its interpretation and should follow our interpretation and recalculate the GFA of the structure to properly count twice the areas that have ceiling heights over 15 feet. The application should be denied if the recalculated FAR exceeds the maximum amount of development permitted under Section 2.1 of the McMansion Ordinance. (The applicant would still have the ability to apply to the RDCC for a modification allowing a FAR increase.)

1. There is a reasonable doubt or difference of interpretation as to the specific intent of the regulations in that:

When the McMansion Ordinance became effective on October 1, 2006 under Ordinance No. 20060928-022, attached as Exhibit Ex3, approved by the City Council on September 28, 2006 (item 22 on the City Council meeting agenda), Article 3 contained a subsection 3.3.3 which read as follows: "An area with a ceiling height greater than 15 feet is counted twice." There is no dispute about this fact.

When the 2006 McMansion Ordinance was amended by the City Council on June 18, 2008, the matter was item 93 on the meeting agenda (a description of item 93, the action taken, and a list of the work papers and other backup documentation provided for the matter is attached as Exhibit Ex6). The requirement to double-count an area with a ceiling height greater than 15 feet was inadvertently omitted from the Draft Ordinance prepared by Brent Lloyd of the CoA Law Department for the meeting, (see Part 14 of attached Exhibit Ex10), due to a clerical error. The Draft Ordinance was correct, in that it did not strike or amend the requirement. Based on changes made to other, unrelated, provisions of Section 3.3 of Article 3, the requirement to double-count an area with a ceiling height greater than 15 feet should have been renumbered from subsection 3.3.3 to subsection 3.3.5. However, due to a clerical error the requirement was not included in the Draft Ordinance. This error was carried over to the Executed Ordinance (see Part 14 of attached Exhibit Ex7). As a result, the current electronic and print versions of Article 3, Section 3.3 of the McMansion Ordinance do not mention the requirement (see attached Exhibit Ex4). We have discussed this matter with Brent Lloyd, and on September 14, 2011 he told us that he agrees that the Ordinance did not

strike the requirement, and that the omission of the requirement from the Ordinance was an unintentional error.

The work papers and other backup documentation provided for the City Council meeting (attached as Exhibit Ex8 through Exhibit Ex15) do not mention any discussion of changing or deleting this requirement by any person or group. They do not mention any discussion of this requirement at all, and so the clear intent was to retain this requirement. In addition, because the requirement was already in effect, and because it was not struck or amended in the Ordinance approved by the City Council, it remains in effect – even though it does not appear in current electronic or print versions of the Ordinance.

The work papers and backup for the City Council meeting include amendment tracking sheets – last revised on June 12, 2008 – that document the recommendations from both the Task Force and the Planning Commission (attached Exhibit Ex12 and Exhibit Ex13). The Draft Ordinance is dated June 12, 2008, and reflects the recommendations in these documents. The work papers also include a presentation about the proposed amendments that was made by Brent Lloyd and Jessica Kingpetcharat-Bittner to the Council at the June 18, 2008 public hearing (Exhibit Ex15). Afterwards, Ordinance No. 20080618-093 was approved with two amendments – neither related to the requirement to double-count areas with ceiling heights greater than 15 feet (see second paragraph of Exhibit Ex6).

2. An appeal of use provisions could clearly permit a use which is in character with the uses enumerated for the various zones and with the objectives of the zone in question because: This item is not applicable to this appeal. The appeal relates to zoning regulations that do not affect the use of the property.
3. The interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated in that: our interpretation would require that the terms of the McMansion Ordinance be properly applied to this application.

The Department's interpretation grants a special privilege to this property by ignoring a requirement of the Land Development Code that has been in effect since October 1, 2006.

Appeal #2

We assert that error was made by the administrative official regarding the calculation of Floor-to-Area Ratio (FAR) as same relates to habitable attic space in new construction.

Planning and Development Review Department interpretation is: The proposed structure qualifies for a habitable attic exemption under Subsection 3.3.3.C of the McMansion Ordinance, because it satisfies the conditions set out in Subsections 3.3.3.C.1 through 3.3.3.C.6 (see attached Exhibit Ex4). The condition under dispute is Subsection 3.3.3.C.5, which states, "It is the highest habitable portion of the building, or a section of the building, and adds no additional mass to the structure." On August 29 the supervisor of the Department told us that the area identified as "habitable attic space" adds no additional mass to the structure because it fits inside the building envelope, or "tent."

Based on the habitable attic exemption, and David Weekley Homes' calculations, 570 square feet of attic floor with a ceiling under 7 feet in height, and 374 square feet of attic floor with a ceiling over 7 feet in height (a total of 944 square feet of "habitable" attic space) has been excluded from the calculation of the Gross Floor Area (GFA) of the structure (see attached Exhibit Ex16). As a result, the Department accepted David Weekley Homes' calculated GFA of 4,537 square feet for the structure (see attached Exhibit Ex2 and Exhibit Ex16). Since the Lot Area is 11,683 square feet, the resulting Floor-to-Area Ratio (FAR) is 38.83% ($4,537 / 11,683$). Based on this calculation the FAR does not exceed 40%, and the applicant can proceed without applying to the Residential Design and Compatibility Commission (RDCC).

We feel the correct interpretation is: the area identified as "habitable attic space" in the application does not qualify for a habitable attic exemption under Subsection 3.3.3.C, because we believe that it adds mass to the structure and so does not satisfy the requirements of Subsection 3.3.3.C.5. We feel that saying the area adds no mass to the structure because it fits inside the "tent" is meaningless, because the entire structure must fit inside the tent, with or without the habitable attic exemption. Structures of varying size and shape can fit inside the tent, and it is not correct to say that all of these structures have the same mass. The Department should apply a reasonable and meaningful interpretation of the condition "adds no additional mass to the structure" before determining that the condition is satisfied. In the case of an existing house that is being remodeled, a comparison can clearly be made to the mass of the actual house without the habitable attic space to the mass of the house with the proposed habitable attic space. In the case of new construction a more subtle judgment call is needed, but that does not mean a reasonable attempt to make such a judgment is not required. In the current case, the proposed structure is a variant of a standard David Weekley Homes model called the Lundy, and we feel that a reasonable judgment about whether the proposed habitable attic space adds additional mass to the standard model can be reached by comparing the proposed structure to this standard. In this case there are two versions of the Lundy that can be used for comparison and we feel that the proposed structure is more massive than either version of the Lundy.

The applicants invited us to meet with them at a model home site in Round Rock to view the model on which their proposed structure is based. The photographs which we took onsite (attached as Exhibit Ex17), are of the 4-bedroom version that they showed us (Model 1), and a version of the Lundy in which a fifth bedroom has been added on the second floor over the master bath (Model 2). Model 2 matches, in its placement of the fifth bedroom, the version in the applicant's plans. In order to add bedroom 5 to the second floor the applicant had to erect three exterior second-floor walls and raise the roof over the bedroom/bathroom area. In addition, inspection of the photographs clearly shows that a version of the Lundy that has been expanded to include a fifth bedroom on the second floor is obviously more massive than the 4-bedroom version. That is, Model 2 is clearly more massive than Model 1.

The applicant previously applied to build a 5-bedroom model like Model 2, but the Floor-to-Area Ratio (FAR) of that plan exceeded the 40% maximum allowed under Section 2.1 of the McMansion Ordinance. The applicant applied to the Residential Design and Compatibility Commission (RDCC) for a variance to be allowed to build the house, and the RDCC denied the application 5-1 on July 6, 2011 because the house was much larger than, and incompatible with, most of the nearby houses. The applicant still wants his five bedroom house, but needs it to be treated as though it has the FAR of a 4-bedroom house; i.e., as though it has the FAR of a house like Model 1. So, one check that the Planning and Development Review Department might make is to see whether bedroom 5 and bathroom 4 can be added to Model 1 without increasing the mass of Model 1. The proposed structure fails this test.

The structure currently proposed by the applicant is more massive than either Model 1 or Model 2. To create the area that is now called habitable attic space the applicant essentially took Model 2, and added new attic space on the front and rear sides of the fifth bedroom/fourth bathroom, further increasing the mass of the structure. This can clearly be seen by comparing the Left Elevation of the proposed structure in the applicant's plans to Model 2. It is also instructive to see where additional mass was added to the Left and Rear Elevations to convert Model 1 into the applicant's proposed structure. We have included exhibits that show where the additional mass was added to the Left Elevation of Model 2 (attached Exhibit Ex18), and to the Left and Rear Elevations of Model 1 (attached Exhibit Ex19), in order to create the applicant's proposed structure. It is obvious in the latter that quite a lot of attic space, especially sized and shaped to enclose the fifth bedroom and fourth bathroom had to be added to Model 1 in order to create the needed "habitable attic space."

What we have in this case is a situation where a structure deemed incompatible in scale and bulk by the RDCC, the neighbors and the local neighborhood association (HPWBANA) has been altered to increase its mass. The Planning and Development Review Department was aware of the RDCC's decision and had a folder on the denied plan. And yet the Department has deemed that the changes do not add additional mass to the structure, and further that they qualify the structure for a habitable attic exemption that results in the structure being treated as though it has the mass of a 4-bedroom house. We believe this happened because the Department did not apply a reasonable standard to determine whether the habitable attic space added additional mass to the structure.

Under Section 2.1 of the McMansion Ordinance the maximum allowable Gross Floor Area (GFA) of the structure is 40% of the lotsize, or 4,673 square feet (0.4 x 11,683). With the habitable attic exemption the GFA is 4,537 square feet. Denying the 944 square foot habitable attic exemption would clearly increase the GFA to an amount in excess of the 4,673 square feet permitted under Section 2.1 of the McMansion Ordinance.

We are asking the Board of Adjustment to find that the Planning and Development Review Department made an error in its decision to "approve for permit" by its interpretation and should follow our interpretation, deny the habitable attic exemption because the habitable attic space increases the mass of the structure, recalculate the GFA and the resulting FAR (GFA / lotsize). The application should then be denied if the recalculated FAR exceeds the maximum amount of development permitted under Section 2.1 of the McMansion Ordinance. (The applicant would still have the ability to apply to the RDCC for a modification allowing a FAR increase.)

1. There is a reasonable doubt or difference of interpretation as to the specific intent of the regulations in that:

The intent of the McMansion Ordinance is explained in Section 1.1:

"This Subchapter is intended to minimize the impact of new construction, remodeling, and additions to existing buildings on surrounding properties in residential neighborhoods by defining an acceptable buildable area for each lot within which new development may occur. The standards are designed to protect the character of Austin's older neighborhoods by ensuring that new construction and additions are compatible in scale and bulk with existing neighborhoods."

In this case, we believe that the Planning and Development Review Department has focused on whether the additional space fits inside the "tent" or acceptable buildable area. But of course all construction must fit inside the tent, so that standard does not help to determine whether Subsection 3.3.3.C.5 is satisfied.

Instead, the Department needs to think about the goal of "...ensuring that new construction and additions are compatible in scale and bulk with existing neighborhoods." Refusal to grant the habitable attic exemption when creation of the habitable attic adds additional mass to the structure is in furtherance of this second goal. It is intended to prevent abuse of the habitable attic exemption. Why else would that requirement be there? The Department must not ignore this requirement when dealing with new construction, but must find a reasonable way to determine when this requirement is met.

2. An appeal of use provisions could clearly permit a use which is in character with the uses enumerated for the various zones and with the objectives of the zone in question

because: This item is not applicable to this appeal. The appeal relates to zoning regulations that do not affect the use of the property.

3. The interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated in that: Our interpretation requires that a reasonable method of determining when habitable attic space adds additional mass to a structure be applied to both new construction and additions when existing structures are remodeled.

Because the Department is not applying a reasonable and meaningful interpretation of the requirement "adds no additional mass to the structure" when dealing with habitable attic exemptions for new construction, it is giving preferential treatment to new construction when compared to a remodel of an existing structure on a neighboring property. For example, suppose there are two adjacent identically sized lots. One contains an existing house – the 4 bedroom version of the Lundy – and the other is an empty lot. The owner of the empty lot wants to build the 5-bedroom version of the Lundy, but the FAR for that plan exceeds 40% and the RDCC denies an application for a variance. So the builder changes his plan to the one submitted by the applicant, claims a habitable attic exemption, and with the reduced FAR is able to build his new house without applying for a variance to the RDCC. The owner of the existing 4-bedroom Lundy sees this happen and decides to remodel his house to match the new construction. But the owner of the existing property is not eligible for the habitable attic exemption because, as we saw earlier, conversion of the 4-bedroom Lundy to the applicant's proposed plan requires the addition of considerable mass to the structure. As a result, the FAR of the proposed remodel exceeds 40% and the owner of the existing home must apply for a variance to the RDCC.

Because the Department is not applying a reasonable and meaningful interpretation of the requirement "adds no additional mass to the structure" when dealing with habitable attic exemptions for new construction it is giving preferential treatment to builders of new construction compared to people who already live in the surrounding neighborhood because it dilutes the protection that the McMansion Ordinance affords the surrounding properties and neighborhood by creating situations where increasing the mass and bulk of new construction actually causes the non-exempt Gross Floor Area – the GFA used in the FAR calculation – to decrease, exempting the properties from review by the RDCC, and allowing oversized structures that are incompatible with the surrounding neighborhood to be built.

Appeal #3

We assert that error was made by the administrative official regarding the decision to "approve for permit" the application as same relates to various errors, omissions and/or irregularities with the application.

Planning and Development Review Department interpretation is: Everything is in order for the application to be "approved for permit."

We feel the correct interpretation is: there are errors, omissions and/or irregularities due to plans for Cuts over 4 feet that have not been properly reviewed; plans to build a fence on neighboring property when they have been expressly told that they cannot; and misinformation about a protected live oak on our property whose protected root zone extends onto the applicant's property.

- A. **With regard to cuts over 4 feet**, the paper application submitted by the applicant says that the development will require a cut and fill in excess of 4 feet (see Residential Permit Application "A" in attached Exhibit Ex0). However, the CoA online permit database says the development will *not* require a cut and fill in excess of 4 feet. In addition, a site plan showing the proposed areas where cuts will be made was not submitted to the Planning and Development Review Department. (It is absent from attached Exhibit Ex0.) However, inspection of the Site Plan – Final Grade (attached Ex1) shows that the finished grade behind the proposed house will range from a relative height of 110.4 feet to 112 feet, while the Existing Site Plan (attached as part of the "Required Addenda") shows that the existing grade behind the proposed house ranges from a relative height of 112 feet to 120 feet. So some of the cuts to be made will be at least 8 feet deep (8 feet is the difference between 120 feet high point on existing grade down to 112 feet high point on final grade.)

Per a September 7 email from Kevin Autry, Engineer in the Development Assistance Center, a cut of over 4 feet requires its own Zoning Review, and Building Permit, and at that time he had not seen any paperwork related to this. On September 8 Ms. Hill asked Sylvia Benavidez in the Planning and Development Review Department whether she could correct the online permit database to show that a cut of over 4 feet will be made. Ms. Benavidez responded that she could not make the change. Further, she said that the Department should not have approved the application before the review required for cuts over 4 feet was completed, and that we should add an appeal about this matter to our Board of Adjustment Interpretation Appeal (this document). She also referenced Land Development Code 25-8-341A. We checked with Brent Lloyd, attorney in the CoA Law Department to see whether we should file such an appeal, and he advised us to

include it. A site plan showing the proposed cuts needs to be filed, and the proper Zoning Review needs to be performed.

- B. **With regard to plans to build a fence on neighboring property:** The Site Plan – Final Grade, attached as Exhibit Ex1, shows a structure labeled “New Wood Fence to Match Existing” *behind* the back property line – constructed entirely on Lot 3, Block E, Mt. Bonnell Terrace Section 1 (street address 3703 Mount Bonnell Road). This lot belongs to Mr. Tom Shelton, who told Jim Einhaus of David Weekley Homes, in writing more than two months ago, that the applicant could not build a fence on Mr. Shelton’s property. Mr. Einhaus replied that the plan would be corrected but it is still in error. This proposed new fence should not be relied on by the CoA as proof that the applicant is building any fence that may be required in this spot. In addition, if workers view these plans and mistakenly start to clear the area for the fence they will destroy several Texas Mountain Laurels that Mr. Shelton has planted in that area. These plans need to be corrected.
- C. **With regard to misinformation about the protected live oak on our property:** Our property (Lot 2, Block E, Mt. Bonnell Terrace Section 1) shares a back lot line with the applicant’s property. A live oak is protected when the diameter at a height of 4.5 feet above the ground equals at least 19 inches. If there are multiple stems (ours has 4 stems), the diameter is deemed to be the sum of the largest diameter stem, plus one half the sums of the smaller diameter stems. On the Site Plan – Final Grade (a paper document) the four stems are properly shown as three 10” stems and a 6” stem, and circles representing the critical root zone and ½ critical root zone of our live oak are shown. However, the tree is misidentified on the plan as a 13” live oak when it is actually a 23” live oak ($23'' = 10'' + 0.5 \times (10'' + 10'' + 6'')$). Further, the CoA online permit database says there are no protected trees with a diameter of 19” or more. The Site Plan – Final Grade should be corrected to show that the tree has a 23” diameter, and the online permit database needs to be corrected to show that there is a protected tree with a diameter of 19” or more. This correction is needed to properly document the tree, to ensure that any required reviews are properly performed now, or in the future.

We are asking the Board of Adjustment to find that the Planning and Development Review Department made an error in its decision to “approve for permit” by its interpretation and should follow our interpretation, and should withdraw or deny the approval until the above problems are corrected.

1. There is a reasonable doubt or difference of interpretation as to the specific intent of the regulations in that:

The Planning and Development Review Department did not recognize the above problems and approved the application for permit.

We believe that the application should not have been approved for permit while these problems existed.

2. An appeal of use provisions could clearly permit a use which is in character with the uses enumerated for the various zones and with the objectives of the zone in question because: This item is not applicable to this appeal. The appeal relates to zoning regulations that do not affect the use of the property.
3. The interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated in that: our interpretation is that the Planning and Development Review Department should ensure that all is in order with an application before approving it for permit.

Appeal #4

We assert that error was made by the administrative official regarding the calculation of Floor-to-Area Ratio (FAR) as same relates to habitable attic space in new construction – because we believe that bedroom 5 and bathroom 4 are part of the second floor, not part of an attic.

Planning and Development Review Department interpretation is: The proposed structure qualifies for a habitable attic exemption under Subsection 3.3.3.C of the McMansion Ordinance, because it satisfies the conditions set out in Subsections 3.3.3.C.1 through 3.3.3.C.6 (see attached Exhibit Ex4). The condition under dispute is Subsection 3.3.3.C.5, which states, “It is the highest habitable portion of the building, or a section of the building, and adds no additional mass to the structure.” On August 29 the supervisor of the Department told us that an area containing bedroom 5 and bathroom 4 was sectioned off and identified as “habitable attic space.” He pointed to the following language in Subsection 3.3.3.C.5, “or a section of the building.”

Based on the habitable attic exemption, and David Weekley Homes’ calculations, 570 square feet of attic floor with a ceiling under 7 feet in height, and 374 square feet of attic floor with a ceiling over 7 feet in height (a total of 944 square feet of “habitable” attic space) has been excluded from the calculation of the Gross Floor Area (GFA) of the structure (see attached Exhibit Ex16). As a result, the Department accepted David Weekley Homes’ calculated GFA of 4,537 square feet for the structure (see attached Exhibit Ex2 and Exhibit Ex16). Since the Lot Area is 11,683 square feet, the resulting Floor-to-Area Ratio (FAR) is 38.83% ($4,537 / 11,683$). Based on this calculation the FAR does not exceed 40%, and the applicant can proceed without applying to the Residential Design and Compatibility Commission (RDCC).

We feel the correct interpretation is: the area identified as “habitable attic space” in the application does not qualify for a habitable attic exemption under Subsection 3.3.3.C, because we believe that bedroom 5 and bathroom 4 are part of the second floor, not part of an attic, and therefore not eligible for the habitable attic exemption. The applicant’s designating bedroom 5 and bathroom 4 as the only finished portion of the second floor that is habitable attic space has no basis other than his interest in finding floor space that might be exempted from the F.A.R calculation. That there are interior walls separating these two rooms from the rest of the finished part of the second floor is not a basis for excluding other finished portions of the second floor, continuous with these rooms, from being habitable attic space, for an interior wall can exist within an attic. Roof coverage is also not a basis for excluding other finished portions of the second floor continuous with bedroom 5 and bathroom 4 from being habitable attic space, for a section of roof that covers a portion of these two rooms also covers portions of other finished rooms on the second floor. To be able to determine whether floor space is habitable attic space exempt from the F.A.R. calculation, one has to be able to determine what the boundaries of the alleged habitable attic space are for the purpose of doing the calculation, and there is no way of determining these boundaries in the applicant’s plan.

Bedroom 5 and bathroom 4 are two finished rooms on the second floor of the proposed house that are continuous with the other rooms on that floor. The McMansion ordinance is to be interpreted by applying the 2006 IRC definitions of certain terms. The 2006 IRC defines *attic* as "the unfinished space between the ceiling joists of the top story and the roof rafters", and it defines *habitable space* as "a space in a building for living, sleeping, eating, or cooking". The applicant proposes to build a new house on an empty lot. He is not remodeling an already existing house. Any attic space in a plan for a new house must be unfinished by the IRC definition. Bedroom 5 and Bathroom 4 are finished rooms. They are enclosed by walls and have ceilings below the roof rafters. Therefore, neither room is a portion of an attic (i.e., an unfinished space), and the floor area of each must then be included in the calculation of the GFA. The only intelligible meaning that can be given to the expression 'habitable portion of an attic' in 3.3.3 is one in which the expression applies to an already existing attic in a house that an applicant plans to remodel and whose remodeling plans include converting this attic into a room or rooms for living, sleeping, eating, or cooking. In that case, an attic already exists that the applicant intends to convert into habitable space, so one can locate the unfinished space that would be used, upon conversion, for living, sleeping, eating or cooking, and the floor area of that attic would, if the other conditions in 3.3.3 were met, be exempt from the calculation of the GFA. Because Mr. Clark is proposing to build a new house, there is no existing attic that he would be converting. Hence, the expression 'habitable portion of an attic' in 3.3.3 does not apply to his plans. The floor areas of Bedroom 5 and Bathroom 4 in his plans are not exempt from being calculated as part of the GFA by subsection 3.3.3.

Under Section 2.1 of the McMansion Ordinance the maximum allowable Gross Floor Area (GFA) of the structure is 40% of the lotsize, or 4,673 square feet ($0.4 \times 11,683$). With the habitable attic exemption the GFA is 4,537 square feet. Denying the 944 square foot habitable attic exemption would clearly increase the GFA to an amount in excess of the 4,673 square feet permitted under Section 2.1 of the McMansion Ordinance.

We are asking the Board of Adjustment to find that the Planning and Development Review Department made an error in its decision to "approve for permit" by its interpretation and should follow our interpretation, deny the habitable attic exemption because bedroom 5 and bathroom 4 are not part of an attic, recalculate the GFA and the resulting FAR (GFA / lotsize). The application should then be denied if the recalculated FAR exceeds the maximum amount of development permitted under Section 2.1 of the McMansion Ordinance. (The applicant would still have the ability to apply to the RDCC for a modification allowing a FAR increase.)

1. There is a reasonable doubt or difference of interpretation as to the specific intent of the regulations in that:

The term habitable attic space is not defined in either the 2006 International Residential Code, nor in the CoA Land Development Code, and based on various discussions we have participated in there appears to be confusion about this term. In addition, on June 28, Mr. McDonald – Supervisor in the Planning and Development Review Department –

told us that the issue of determining whether a habitable space was part of an attic or part of a floor was controversial within the Department.

2. An appeal of use provisions could clearly permit a use which is in character with the uses enumerated for the various zones and with the objectives of the zone in question because: This item is not applicable to this appeal. The appeal relates to zoning regulations that do not affect the use of the property.
3. The interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated in that: Our interpretation requires a reasonable interpretation of the terms attic and habitable space be applied when determining whether an area is or is not habitable attic space.

Required Addenda Included:

- Letter to Board of Adjustment stating appellant meets the requirements as an Interested Party as listed in Section 25-1-131(A) and (B) of the Land Development Code, including all information required under 25-1-131(C).
- Notice of Appeal emailed on August 31, 2011 to John McDonald, Supervisor of the Planning and Development Review Department
- Site Plan/Plot Plan drawn to scale, showing present construction and location of existing structures on adjacent lots
- Existing Site Plan drawn to scale for 3704 Bonnell Drive
- Site Plan – Final Grade, showing proposed construction at 3704 Bonnell Drive

Addenda included supporting our argument:

Exhibit	Description
Ex0	Copy of the Application materials submitted to the Planning and Development Review Department for 3704 Bonnell Drive, including David Weekley Homes' calculation of the Gross Floor Area (GFA) and the Floor-to-Area Ratio (FAR); "approved for permit" by Greg Guernsey.
Ex1	Site Plan – Final Grade Approved for Permit by Greg Guernsey on 8/26/11
Ex2	David Weekley Homes' calculation of Gross Floor Area showing first floor areas with ceiling heights over 15 feet were not counted twice. Also shows lot size of 11,683 sf and Floor-to-Area Ratio of 38.83%
Ex3	Executed Ordinance 20060928-022 (McMansion Ordinance approved by the City Council on September 28, 2006, which became effective October 1, 2006). Subsection 3.3.3 of Article 3 of the Executed Ordinance reads as follows: "An area with a ceiling height greater than 15 feet is counted twice."
Ex4	Current electronic/print version of the McMansion Ordinance
Ex5	Section of first floor layout showing 20 foot ceiling in family room and 22 foot ceiling in foyer
Ex6	Summary of Item 93 - June 18, 2008 City Council Meeting. This is the item on the June 18, 2008 agenda where the Council approved Ordinance 20080618-093. It includes a list of Work Papers and Other Backup Documentation for the amendments to the McMansion Ordinance. These documents are posted on the City Council's webpage under item 93 for the June 18, 2008 City Council meeting.
Ex7	Executed Ordinance 20080618-093. This is the ordinance that, due to a clerical error, inadvertently omitted the requirement to double-count areas with a ceiling height greater than 15 feet. See Part 14 of the Executed Ordinance. This part does not amend or strike the existing subsection 3.3.3; it is written as though the McMansion Ordinance being amended did not already include a subsection 3.3.3.

Included Work Papers and Backup Documentation for item 93 of the June 18, 2008 City Council Meeting supporting our argument:

Exhibit	Description
Ex8	AIA Statement (Contains comment Regarding Task Force Recommendation 21 – Gross Floor Area section 3.3)
Ex9	Attic Exemption (Draft Memo)
Ex10	Draft Ordinance (Part 14 contains original error that was carried over to Part 14 of the Executed Ordinance)
Ex11	Recommendation for Council Action
Ex12	Stakeholder Recommendations
Ex13	Task Force Recommendations
Ex14	Late Backup Part 1 of 2 (Additional amendments discussed at June 18, 2008 meeting)
Ex15	Late Backup Part 2 of 2 (Presentation made at June 18, 2008 meeting)

Additional addenda included supporting our argument:

Exhibit	Description
Ex16	Habitable Attic area exempted from Gross Floor Area and FAR calculations; calculated by David Weekley Homes. Exempted area is shaded dark gray.
Ex17	Photographs of 4-Bedroom and 5-Bedroom versions of the Lundy in Round Rock (Models 1 and 2, respectively)
Ex18	Proposed structure showing additional mass added in an attempt to qualify for habitable attic exemption (compared to Model 2)
Ex19	Proposed structure showing additional mass added in an attempt to qualify for habitable attic exemption (compared to Model 1)

AGGRIEVED PARTY CERTIFICATE – We affirm that our statements contained in the complete application are true and correct to the best of our knowledge and belief.

Signed S. Lynn Hill

Printed: Sarah Lynn Hill

Signed John Deigh

Printed: John Deigh

Mailing Address: 3701 Mount Bonnell Road

City, State & Zip: Austin, TX 78731-5730

Phone: 512-371-1254

CITY OF AUSTIN
LETTER TO BOARD OF ADJUSTMENT
INTERPRETATIONS
AGGRIEVED PARTY'S STANDING TO APPEAL

STREET ADDRESS: 3704 Bonnell Drive, Austin, TX 78731

LEGAL DESCRIPTION: Subdivision – Mount Bonnell Terrace Section 3

Lot 1 Block E Outlot --- Division ---

ZONING DISTRICT: SF-3

WE Sarah Lynn Hill and John Deigh on behalf of ourselves are providing this letter to confirm our Standing to Appeal Status

We meet the requirements as an Interested Party as listed in Section 25-1-131(A) of the Land Development Code because we are the record owners of property within 500 feet of the site of the proposed development and occupy a primary residence on that property. Our property shares a back lot line with the property in the application.

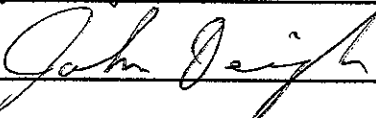
Section 25-1-131(B) does not apply because we have not communicated an interest in a matter that is the subject of a public hearing.

We meet the requirements of Section 25-1-131(C) because we communicated an interest in the August 26, 2011 Planning and Development Review Department's Administrative Decision to "Approve for Permit" the building plans for the above property – by sending emails to Mr. John McDonald, Supervisor of the Department, on August 29 and 30, by meeting with him in person on August 29, and by emailing him a written Notice of Appeal, as required by Section 25-1-183, on August 31, 2011. We also had previously corresponded with Mr. McDonald about issues surrounding the Floor-to-Area Ratio calculations for this property in May, and June, and about building plans for this property in July and early August. This previous correspondence was conducted via email and telephone. All information required under 25-1-131(C) is included in the enclosed copy of the Notice of Appeal that we emailed to Mr. McDonald on August 31, 2011.

AGGRIEVED PARTY SIGNATURES

Signed 

Printed: Sarah Lynn Hill

Signed 

Printed: John Deigh

Mailing Address: 3701 Mount Bonnell Road

City, State & Zip: Austin, TX 78731-5730

Phone: 512-371-1254

CASE 2011-077075 PR; Address 3704 Bonnell Drive

Notice of Appeal of 8-26-2011 Administrative Decision by the Planning and Development Review Department to "Approve for Permit" the building plans for the above case

Submitted to Mr. John McDonald, Supervisor of the Planning and Development Review Department.

Submitted by Sarah Lynn Hill and John Deigh on August 31, 2011

Mr. McDonald advised us that our notice of appeal could be submitted by emailing the required information to him, and that no special form is required.

Required information:

1. Name, address, and telephone number of the appellants:

Sarah Lynn Hill and John Deigh
3701 Mount Bonnell Road
Austin, TX 78731-5730
512-371-1254 (home)

2. Name of the applicant: William Clark

3. Decision being appealed:
Planning and Development Review Department's Administrative Decision to "Approve for Permit" the building plans for 3704 Bonnell Drive (Case 2011-077075 PR)

4. The date of the decision: 8-26-2011

5. A description of the appellants' status as an interested party:

We are the record owners of property within 500 feet of the site of the proposed development and occupy a primary residence on that property. Our property shares a back lot line with the property in the application.

A history of our communication of interest in this matter with Mr. John McDonald, Supervisor of the Planning and Development Review Department (required to establish our status):

The applicant previously applied to the RDCC for a variance that would allow him to exceed the 40% F.A.R. limitation of Chapter 25-2, Subchapter F: Residential Design and Compatibility Standards of the Land Development Code, commonly known as the "McMansion" Ordinance (Case 2011-031138 PR) for a building at the same address as in the current case (2011-077075 PR). We objected to the previous application and spoke at three different RDCC hearings on the matter (May 4, June 1, and July 6). A part of the applicant's argument in that case was that he had a similar plan (that he did not want to build) that he thought satisfied the 40% F.A.R. limitation. The limitation was supposedly satisfied by treating a portion of the second floor --

including bedroom 5 and bathroom 4 – as exempt habitable attic space (attic space excluded from the F.A.R. calculation under Section 3.3.3.C of the Ordinance).

We initially communicated our concern about the F.A.R. calculations and the claim to have a habitable attic space exemption to Mr. McDonald via email on May 20. In that email we explained our concerns and our need to prepare for the June 1 RDCC hearing. We asked for a meeting with RDCC staff to go over the F.A.R. calculations in both of the applicant's plans. This email also included our name, mailing address, and phone number. Mr. McDonald reviewed the plans and spoke to us about them on May 31. The applicant revised his plans after the June 1 RDCC hearing and continued to claim a habitable attic exemption for plans he did not want to build. We emailed Mr. McDonald about these new plans on June 27, explaining our concerns and need to prepare for the July 6 RDCC hearing. He reviewed and discussed them with us on June 28. In both the May 31 and June 28 conversations he told us that in his opinion the habitable attic exemption did not apply because bedroom 5 and bathroom 4 were part of the second floor in all of the applicant's plans, not part of attic space, but he also cautioned us that the habitable attic space provisions were a controversial issue within his office. The RDCC denied the application in case 2011-031138 PR for the plan the applicant wanted to build (the one *without* the attic exemption) on July 6. We subsequently inquired about the status of the building plans on July 26, and on August 4 Mr. McDonald told us via email that the applicant had not appealed the decision and he understood them to be redesigning the plans to meet the 40% F.A.R. requirement.

Late on Friday, August 26, we checked the City's online permit database and found that the current case 2011-077075 PR had been submitted by the applicant and approved on that same day by Residential Zoning Reviewers (Mr. McDonald's staff). Early on August 29 (Monday) we sent an email to Mr. McDonald communicating our concerns that information in the database made it appear that a plan *larger* than the one denied by the RDCC had been approved. We met with Mr. McDonald that afternoon. At that meeting we found that the newly submitted plans were the plans the applicant had previously *not* wanted to build – the plans Mr. McDonald had reviewed, at our request, on June 28 (with minor changes – the addition of a small balcony and some windows – that did not affect the F.A.R.), but that Mr. McDonald had (after discussion with his supervisor), reversed his prior position and decided to grant the habitable attic exemption requested by the applicant. We discussed our reasons for thinking this decision was wrong and also pointed out that the exempted space had increased the mass of the structure – a further reason for not granting the habitable attic exemption. Mr. McDonald confirmed that the plan would exceed the 40% F.A.R. limitation if the exemption were not granted, then checked and told us that the applicant had not yet paid for the building permit. We informed him of our intention to appeal Residential Zoning's approval of 2011-077075 PR and he gave us a list of the information to be included in the notice of appeal and said we could file it by emailing the information to him. On August 30 Mr. McDonald provided us with a copy of the building plans for 2011-077075 PR and we sent him an email summarizing our August 29 meeting with him and confirming our intention to appeal.

6. Reasons the appellant believes the decision does not comply with the requirements of this title:

We believe that the F.A.R. of the plan submitted in Case 2011-077075 PR exceeds the 40% limitation of the McMansion Ordinance, and so it should not have been approved by Residential Zoning Review. We believe this because we believe that the habitable attic exemption of section 3.3.3.C should not have been granted, and, as noted above, in our meeting on Monday, August 29, Mr. McDonald confirmed that the plan exceeds the 40% limitation if the habitable attic exemption of section 3.3.3.C is not allowed.

First, we believe that bedroom 5 and bathroom 4 are part of the second floor, not part of an attic, and therefore not eligible for the habitable attic exemption. The applicant's designating bedroom 5 and bathroom 4 as the only finished portion of the second floor that is habitable attic space has no basis other than his interest in finding floor space that might be exempted from the F.A.R calculation. That there are interior walls separating these two rooms from the rest of the finished part of the second floor is not a basis for excluding other finished portions of the second floor, continuous with these rooms, from being habitable attic space, for an interior wall can exist within an attic. Roof coverage is also not a basis for excluding other finished portions of the second floor continuous with bedroom 5 and bathroom 4 from being habitable attic space, for a section of roof that covers a portion of these two rooms also covers portions of other finished rooms on the second floor. To be able to determine whether floor space is habitable attic space exempt from the F.A.R. calculation because it is habitable attic space fifty percent or more of which has a ceiling height of less than 7 feet, one has to be able to determine the boundaries of the habitable attic space for the purpose of doing the calculation. However, there is no way of determining these boundaries.

Second, even if these rooms were treated as attic space, it would not be true that the space could be ignored – for the space fails to meet one of the conditions in the Ordinance for ignoring habitable attic space. The condition it fails to meet is that the space “adds no additional mass to the structure.” (See section 3.3.3.C.5.) Adding this space, regardless of how it is treated, adds mass to the structure.

In the plan submitted to the RDCC under Case 2011-031138 PR, the mass required for these rooms was created by making a large rectangular bump-out in the middle of the roof of the south-facing section of the house, directly over the first-floor master bath. In that case, the rooms were treated as part of the second floor and their square footage was included in the F.A.R. calculation. The F.A.R. exceeded the 40% limitation of the Ordinance, and the RDCC denied the application for those plans on July 6.

In the plan for Case 2011-077075 PR just approved by Residential Zoning Review – the approval that we are appealing – the applicant took the plan denied by the RDCC and added additional mass to the structure by adding new triangular bump-outs on the east and west sides of bedroom 5 and bathroom 4, and raising portions of the roof on the south side of the house to

cover the new bump-outs. He claims that in the modified plan a portion of the second floor that includes bedroom 5, bathroom 4, and the area under the new roof is habitable attic space that qualifies for the exemption of the Ordinance (section 3.3.3.C) and can be ignored when calculating the F.A.R. We say that bedroom 5 and bathroom 4 continue to be part of the second floor, not attic space. However, even if they are treated as attic space, section 3.3.3.C.5 is not satisfied with regard to bedroom 5, bathroom 4 and the area under the new roof, because the modifications that create this new space add additional mass to the structure.

Pictures and/or drawings will help to illustrate our arguments. In the June 28, 2011 statement that we submitted to the RDCC for their July 6 hearing we explained that adding bedroom 5 to the structure, however it is treated, adds mass to the structure. To illustrate our argument our statement included photographs of the 4-bedroom and 5-bedroom versions of a David Weekley model home on which the applicant's plan is based. That statement can be found on the RDCC website in the backup material posted for the July 6 hearing. We can also provide copies of this statement and/or the photographs on request.

It is also instructive to compare the plans submitted in cases 2011-033138 PR and 2011-077075 PR. The layout of all first and second-floor rooms, and their square footages, are the same in both plans. And the exterior elevations are the same – with the exception of the area on the south section of the second-story that surrounds bedroom 5 and bathroom 4. It is easy to see – especially when viewing the south elevation (labeled “left” in the plans) - that the structure in 2011-077075 PR has more mass than the structure in 2011-033138 PR. Mr. McDonald's department should have copies of both sets of plans.

Finally, we believe that the terms of the Ordinance should be interpreted and applied with an understanding of the underlying purpose of the Ordinance. As explained in section 1.1 of the Ordinance, “The standards are designed to protect the character of Austin's older neighborhoods by ensuring that new construction and additions are compatible in scale and bulk with existing neighborhoods.”

The plan submitted in 2011-031138 PR exceeded the 40% F.A.R. limitation of the Ordinance, and so the RDCC was required to rule on the compatibility of the proposed plan. At its July 6 hearing the RDCC denied the application, determining that the plan was too massive in comparison with nearby properties, and with several members making strong statements about the incompatibility of that plan with the neighborhood. The new plan submitted in 2011-077075 PR is nearly identical to the plan that was denied – except that one section of the new plan is more massive than the old plan. It is obvious to us that the RDCC would not consider the new plan to be compatible with the neighborhood.

We do not believe that the habitable attic exemption was adopted in order to allow applicants to decrease the size of their F.A.R. by increasing the mass of their house.



SITE PLAN/
PLOT PLAN
SHOWING PRESENT
CONSTRUCTION (EMPTY
LOT AT 3704 BONNELL DRIVE)
AND LOCATION OF ADJACENT
PROPERTIES

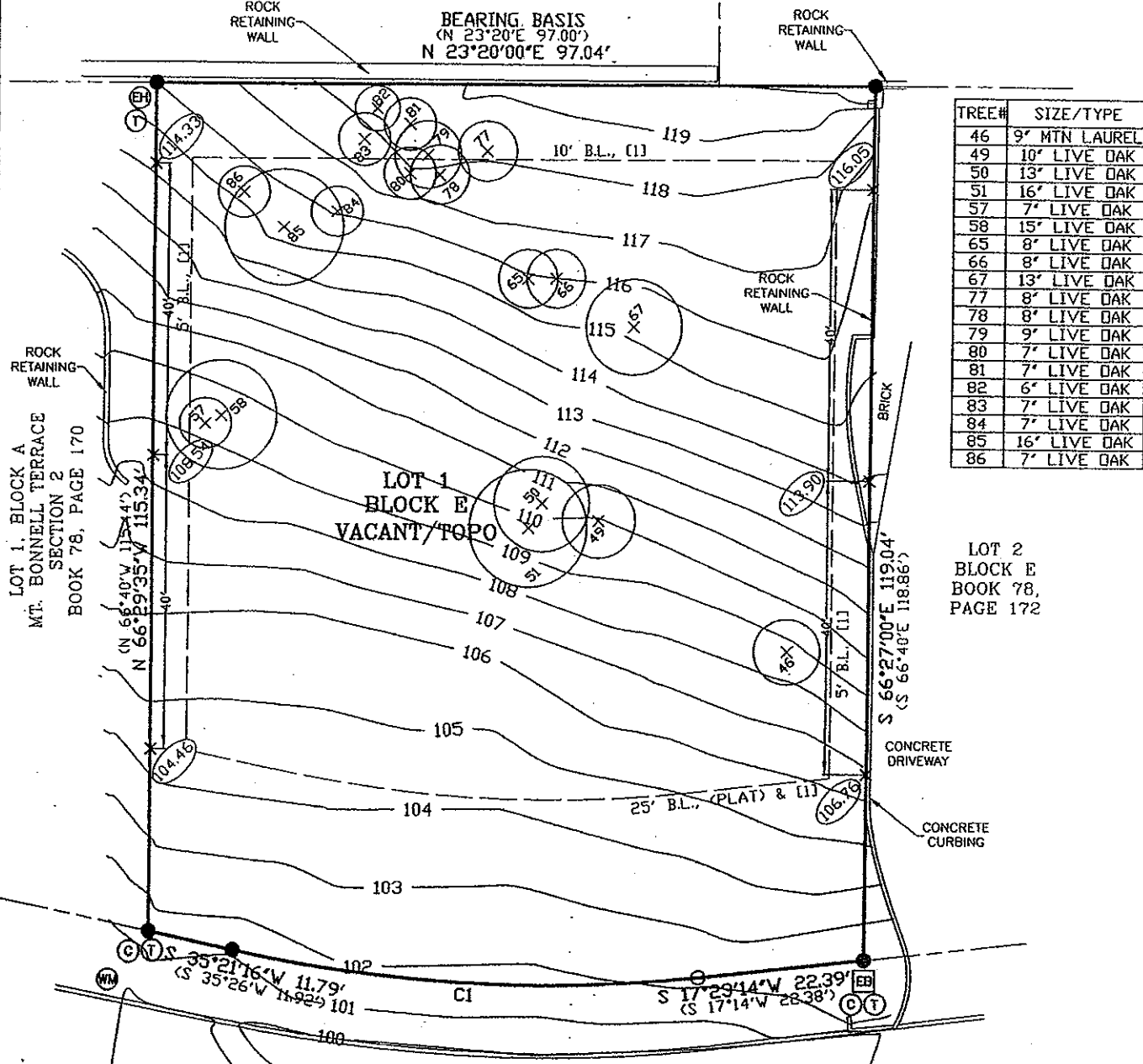
EXISTING & SITE PLAN

SCALE: 1"=20'

LOT 2, BLOCK E
MT. BONNELL TERRACE
SECTION 1
BOOK 31, PAGE 10

LOT 3, BLOCK E
MT. BONNELL TERRACE
SECTION 1
BOOK 31, PAGE 10

BEARING BASIS
(N 23°20'E 97.00')
N 23°20'00"E 97.04'



TREE#	SIZE/TYPE
46	9' MTN LAUREL
49	10' LIVE OAK
50	13' LIVE OAK
51	16' LIVE OAK
57	7' LIVE OAK
58	15' LIVE OAK
65	8' LIVE OAK
66	8' LIVE OAK
67	13' LIVE OAK
77	8' LIVE OAK
78	8' LIVE OAK
79	9' LIVE OAK
80	7' LIVE OAK
81	7' LIVE OAK
82	6' LIVE OAK
83	7' LIVE OAK
84	7' LIVE OAK
85	16' LIVE OAK
86	7' LIVE OAK

LOT 2
BLOCK E
BOOK 78,
PAGE 172

SURVEYOR'S NOTES

() DENOTES RECORD INFORMATION
[1] BUILDING LINE PER CITY OF AUSTIN
ZONING ORDINANCE.

EASEMENT RESEARCH PERFORMED BY ALL POINTS AND THE UNDERSIGNED SURVEYOR
WAS LIMITED TO INFORMATION SUPPLIED BY NATIONAL INVESTORS TITLE INSURANCE
COMPANY PER COMMITMENT G.F. #1101881-ARB, EFFECTIVE FEBRUARY 2, 2011;
SCHEDULE B, PARAGRAPH 10.

LOT 1 IS SUBJECT TO RESTRICTIVE COVENANTS AS STATED IN:
BOOK 78, PAGE 172 PLAT RECORDS OF TRAVIS COUNTY, TEXAS; VOLUME 6661, PAGE
1502 AND VOLUME 12947, PAGE 502 DEED RECORDS OF TRAVIS COUNTY, TEXAS.

LOT 1 IS SUBJECT TO SANITARY SEWER EASEMENT RECORDED IN VOLUME 4647, PAGE
274 DEED RECORDS OF TRAVIS COUNTY, TEXAS AS STATED IN BOOK 78, PAGE 172 OF
THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

ALL POINTS DOES NOT MAKE OR WARRANT ANY FLOOD ZONE DETERMINATION.

LOT No. 1 BLOCK E
SECTION 3 PHASE
TRAVIS COUNTY, TEXAS
CITY AUSTIN

SUBDIVISION / ADDITION MT. BONNELL TERRACE
Book 78 Cabinet PLAT RECORDS
Volume 172 Slide
Document No.
Reference: WILLIAM D. CLARK AND CLAUDIA J. CLARK

TO THE LIENHOLDERS AND/OR OWNERS OF THE PREMISES AND/OR
NATIONAL INVESTORS TITLE INSURANCE COMPANY / PLAINSCAPITAL BANK

LEGEND

EB	ELEC. BOX
WM	WATER METER
T	TELE. PED.
C	C.A.T.V. PED.
EH	ELECT. MANHOLE
●	IRON ROD FND.
○	1/2" IRON ROD W/ PLASTIC CAP STAMPED "ALL POINTS" SET
X	SPOT ELEVATION
B.L.	BUILDING LINE

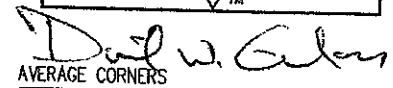
Curve	Radius	Length	Chord	Chord Bearing
C1	199.73'	63.50'	63.23'	S 26°33'39" W
(C1)	(199.73')	(63.44')	(63.18')	(S 26°20' W)

By:	Date:
FIELD WORK	JA/AA
DRAFTING	MDL































SURVEY DATE: 2/21/11
Job No. 02B15611
SCALE: 1"=20'



THE SEAL ON THIS PAGE PERTAINS
ONLY TO THE AFFIRMATION OF THE
COMPLIANCE OF THESE PLANS TO THE
RESIDENTIAL DESIGN AND COMPATIBILITY
STANDARDS FOR THE CITY OF AUSTIN



LEGEND

- | | |
|---|---|
|  | WOOD FENCE |
|  | WIRE FENCE |
|  | CHAIN LINK FENCE |
|  | UTILITY LINE |
|  | WROUGHT IRON FENCE |
|  | A/C UNIT |
|  | ELEC. TRANS. |
|  | ELEC. BOX |
|  | ELEC. METER |
|  | WATER METER |
|  | SBC BOX |
|  | SEWER |
|  | GAS METER |
|  | WATER METER |
|  | TELE. PED. |
|  | C.A.T.V. PED. |
|  | ELECT. MANHOLE |
|  | TELE. COM. |
|  | IRON ROD FND. |
|  | 1/2" IRON ROD W/
PLASTIC CAP STAMPED
"ALL POINTS" SET |
|  | SPINDLE FND. |
|  | SPINDLE SET |
|  | NAIL FND. |
|  | NAIL SET |
|  | PIPE FND. |
|  | PIPE SET |
|  | UTILITY POLE |
|  | FIRE HYDRANT |
|  | LIGHT STANDARD |
|  | SPOT ELEVATION |
| B.L. | BUILDING LINE |
| D.E. | DRAINAGE
EASEMENT |
| P.U.E. | PUBLIC UTILITY
EASEMENT |

LEGEND

- | | |
|------|---|
| EB | ELEC. BOX |
| WM | WATER METER |
| T | TELE. PED. |
| C | C.A.T.V. PED. |
| EH | ELECT. MANHOLE |
| ● | IRON ROD END. |
| ○ | 1/2" IRON ROD W/
PLASTIC CAP STAMPEL
"ALL POINTS" SET |
| X | SPOT ELEVATION |
| B.L. | BUILDING LINE |

Curve	Radius	Length	Chord	Chord Bearing
C1	199.73'	63.50'	63.23'	S 26°33'39" W
(C1)	(199.73')	(63.44')	(63.18')	(S 26°20' W)

3704 BONNELL DRIVE
(50' R.O.W.)

↓ = LINE OF RUNOFF DRAINAGE

SITE PLAN - FINAL GRADE

scale: 1"=30'

MOUNT BONNELL TERRACE
3704 Bonnell Drive
Austin, TX 78731

Proj. No.: 2023	Lot: 1
Job No.: 1122	Blk: E
	Sect: 3

David Weekley Homes

MM/CL3/AJ	Scale: 1"=30'
Date: 02/26/08	Rev: 7/21/11

Weekley Homes L.P. 2008
The measurements, dimensions, and other specifications, shown on this document, are guidelines for construction use only. The actual specifications of the finished structure may vary. This document may not be relied on as a representation of what the completed structure will look like.

Final Set

NORTH
3688-B
PLT PLAN-3
LUNDY
BOYL AUSTIN

EXHIBIT Ex0

Copy of the Application materials submitted to the Planning and Development Review Department for 3704 Bonnell Drive, including David Weekley Homes' calculation of the Gross Floor Area (GFA) and the Floor-to-Area Ratio (FAR), "approved for permit" by Greg Guernsey

CITY OF AUSTIN

RESIDENTIAL PERMIT APPLICATION "A"

BP Num'

Building Permit No.

Plat No.

Date

Reviewer

EP

PRIMARY PROJECT DATA

Service Address 3704 Bonnell Drive

Legal Description

Lot 1 Block E Subdivision Mount Bonnell Terrace

Tax Parcel No.

Section 3Phase —

If in a Planned Unit Development, provide Name and Case No.

(attach final approved copies of subdivision and site plan)

If this site is not a legally subdivided lot, you must contact the Development Assistance Center for a Land Status Determination.

Description of Work

☒ New Residence☐ Duplex☒ Garage☒ attached☐ detached☐ Carport☐ attached☐ detached☐ Pool

Remodel (specify)

Addition (specify)

Other (specify)

Zoning (e.g. SF-1, SF-2...)

- Height of Principal building 25-6 1/2 ft.# of floors 2Height of Other structure(s) N/A ft.# of floors N/A- Does this site currently have water and wastewater availability? ☐ Yes ☒ No. If no, please contact the

Austin Water Utility at 512-972-0000 to apply for water and/or wastewater tap application, or a service extension request.

- Does this site have a septic system? ☐ Yes ☒ No. If yes, for all sites requiring a septic field you must obtain an approved septic permit prior to a zoning review.Does this site have a Board of Adjustment ruling? ☐ Yes ☒ No If yes, attach the B.O.A. documentationWill this development require a cut and fill in excess of 4 feet? ☒ Yes ☐ NoDoes this site front a paved street? ☒ Yes ☐ No A paved alley? ☐ Yes ☒ NoIs this property within the Residential Design and Compatibility Standards Ordinance Boundary Area? ☒ Yes ☐ No

VALUATIONS FOR REMODELS ONLY

Building \$

Electrical \$

Mechanical \$

Plumbing \$

Driveway/

Sidewalk \$

TOTAL \$

(labor and materials)

VALUATIONS FOR NEW CONSTRUCTION OR ADDITIONS ONLY

Lot Size 11,683 sq. ft.Job Valuation - Principal Building \$ 602,625

(Labor and materials)

Job Valuation - Other Structure(s) \$ N/A

(Labor and materials)

TOTAL JOB VALUATION

(sum of remodels and additions)

\$ 602,625

(Labor and materials)

PERMIT FEES

(For office use only)

NEW/ADDITIONS REMODELS

Building \$

Electrical \$

Mechanical \$

Plumbing \$

Driveway

& Sidewalk \$

TOTAL \$

OWNER / BUILDER INFORMATION

OWNER Name William D. & Claudia ClarkTelephone (h) 512-750-8366

(w)

BUILDER Company Name David Weekley HomesTelephone 512-821-8816Contact/Applicant's Name Lisa Ahart - Project Coordinator

Pager

FAX 512-372-8725

DRIVEWAY/

SIDEWALK

Contractor Delta Concrete & ConstructionTelephone 512-666-0834CERTIFICATE OF OCCUPANCY Name William D. & Claudia ClarkTelephone 512-750-8366Address 3704 Bonnell DriveCity Austin ST TX ZIP 78731

If you would like to be notified when your application is approved, please select the method:

☐ telephone☒ e-mail: lahart@dwhomes.comYou may check the status of this application at www.ci.austin.tx.us/development/pierivr.htm

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "B"

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION

I understand that in accordance with Sections 25-1-411 and 25-11-66 of the Land Development Code (LDC), non-compliance with the LDC may be cause for the Building Official to suspend or revoke a permit and/or license. I understand that I am responsible for complying with any subdivision notes, deed restrictions, restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain development restrictions (i.e., height, access, screening, etc.) on this property. If a conflict should result with any of these restrictions, it will be my responsibility to resolve it. I understand that, if requested, I must provide copies of all subdivision plat notes, deed restrictions, restrictive covenants, and/or zoning conditional overlay information that may apply to this property.

I acknowledge that this project qualifies for the Site Plan Exemption as listed in Section 25-5-2 of the LDC.

I understand that nothing may be built upon or over an easement. I further understand that no portion of any roof structure may overhang in any public utility or drainage easement.

I acknowledge that customer will bear the expense of any necessary relocation of existing utilities to clear this driveway location and/or the cost to repair any damage to existing utilities caused during construction.

I also understand that if there are any trees greater than 19 inches in diameter located on the property and immediately adjacent to the proposed construction, I am to schedule a Tree Ordinance review by contacting (512) 974-1876 and receive approval to proceed.

I agree that this application will expire on the 181st day after the date that the application is filed if the application is not approved and an extension is not granted. If the application expires, a new submittal will be required.

APPLICANT'S SIGNATURE Lisa Ahart DATE 8/17/11
HOME BUILDER'S STATE REGISTRATION NUMBER (required for all new construction) 1021 Homes

Rejection Notes/Additional Comments (for office use only):

(A)

(D)

(G)

- No Time. See email
- ATTN: exempt person
du pm J. M. [unclear]

Service Address 3704 Bonnell Drive
Applicant's Signature Lisa Ahart Date 8/17/11
Lisa Ahart - David weekley Homes

RESIDENTIAL PERMIT APPLICATION "C" 5704 Bonnell Drive

BUILDING COVERAGE

The area of a lot covered by buildings or roofed areas, but not including (i) incidental projecting eaves and similar features, or (ii) ground level paving, landscaping, or open recreational facilities.

	Existing		New / Addition	
a. 1 st floor conditioned area	sq.ft.	*	2667	sq.ft.
b. 2 nd floor conditioned area	sq.ft.	*	1853	2449 sq.ft.
c. 3 rd floor conditioned area	sq.ft.		N/A	sq.ft.
d. Basement	sq.ft.		N/A	sq.ft.
e. Garage / Carport	sq.ft.		N/A	sq.ft.
<input checked="" type="checkbox"/> attached	sq.ft.	*	567	sq.ft.
detached	sq.ft.		N/A	sq.ft.
f. Wood decks [must be counted at 100%]	sq.ft.		N/A	sq.ft.
g. Breezeways	sq.ft.		N/A	sq.ft.
h. Covered patios	sq.ft.		N/A	sq.ft.
i. Covered porches	sq.ft.		N/A	sq.ft.
j. Balconies	sq.ft.	*	470	sq.ft.
k. Swimming pool(s) [pool surface area(s)]	sq.ft.		N/A	sq.ft.
l. Other building or covered area(s)	sq.ft.		N/A	sq.ft.
Specify <u>Masonry Ledge</u>	sq.ft.		159	sq.ft.

TOTAL BUILDING AREA (add a. through l.) N/A sq.ft. 5716 sq.ft.

TOTAL BUILDING COVERAGE ON LOT (subtract, if applicable, b., c., d., k. and f. if uncovered)

3863 sq.ft.
33.13 % of lot

IMPERVIOUS COVERAGE

Include building cover and sidewalks, driveways, uncovered patios, decks, air conditioning equipment pad, and other improvements in calculating impervious cover. Roof overhangs which do not exceed two feet or which are used for solar screening are not included in building coverage or impervious coverage. All water must drain away from buildings on this site and buildings on adjacent lots.

a. Total building coverage on lot (see above)	<u>*3863</u>	sq.ft.
b. Driveway area on private property	<u>*1107</u>	sq.ft.
c. Sidewalk / walkways on private property	<u>*107</u>	sq.ft.
d. Uncovered patios	<u>N/A</u>	sq.ft.
e. Uncovered wood decks [may be counted at 50%]	<u>N/A</u>	sq.ft.
f. Air conditioner pads	<u>*32</u>	sq.ft.
g. Concrete decks	<u>N/A</u>	sq.ft.
h. Other (specify) <u>Door Landings</u>	<u>*25</u>	sq.ft.

TOTAL IMPERVIOUS COVERAGE (add a. through h.)

5134 sq.ft.
43.94 % of lot

RESIDENTIAL PERMIT APPLICATION "D"
FLOOR AREA RATIO INFORMATION

TO BE COMPLETED FOR ALL PROPERTIES LOCATED WITHIN THE RESIDENTIAL DESIGN AND COMPATIBILITY
STANDARDS ORDINANCE BOUNDARY AREA.

Service Address 3704 Bonnell Drive

Applicant's Signature Lisa Ahart - Lisa Ahart Date 8/17/14
Project Coordinator - David Weekley Homes

GROSS FLOOR AREA AND FLOOR AREA RATIO as defined in the Austin Zoning Code.

	<u>Existing</u>	<u>New / Addition</u>
I. 1st Floor Gross Area		
a. 1 st floor area (excluding covered or uncovered finished ground-floor porches)	sq.ft.	<u>2667</u> ✓ sq.ft.
b. 1 st floor area with ceiling height over 15 feet.	sq.ft.	<u>0</u> sq.ft.
c. TOTAL (add a and b above)	sq.ft.	<u>2667</u> sq.ft.
II. 2nd Floor Gross Area See note ¹ below		
d. 2 nd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)	sq.ft.	<u>1503</u> sq.ft.
e. 2 nd floor area with ceiling height > 15 feet.	sq.ft.	<u>0</u> sq.ft.
f. TOTAL (add d and e above)	sq.ft.	<u>1503</u> sq.ft.
III. 3rd Floor Gross Area See note ¹ below		
g. 3 rd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft).	sq.ft.	<u>N/A</u> sq.ft.
h. 3 rd floor area with ceiling height > 15 feet	sq.ft.	<u>N/A</u> sq.ft.
i. TOTAL (add g and h above)	sq.ft.	<u>N/A</u> sq.ft.
IV. Basement Gross Area		
j. Floor area outside footprint of first floor or greater than 3 feet above grade at the average elevation at the intersections of the minimum front yard setback line and side property lines.	sq.ft.	<u>N/A</u> sq.ft.
V. Garage		
k. <input checked="" type="checkbox"/> attached (subtract 200 square feet if used to meet the minimum parking requirement)	sq.ft.	<u>367</u> ✓ sq.ft.
l. <input type="checkbox"/> detached (subtract 450 square feet if more than 10 feet from principal structure)	sq.ft.	<u>N/A</u> sq.ft.
VI. Carport (open on two or more sides without habitable space above it subtract 450 square feet)	sq.ft.	<u>N/A</u> sq.ft.
VII. TOTAL	sq.ft.	<u>4537</u> sq.ft.

TOTAL GROSS FLOOR AREA (add existing and new from VII above)

GROSS AREA OF LOT

FLOOR AREA RATIO (gross floor area / gross area of lot)

4537 sq. ft.

11,683 sq. ft.


38.83 ^{0/100}

If a second or third floor meets all of the following criteria it is considered to be attic space and is not calculated as part of the overall Gross Floor Area of the structure.

- It is fully contained within the roof structure and the roof has a slope of 3 to 12 or greater
- It only has one floor within the roof structure
- It does not extend beyond the foot print of the floors below
- It is the highest habitable portion of the building; and
- Fifty percent or more of the area has a ceiling height of seven feet or less.

REVISED SITE PLAN ATTACHED FROM
PREVIOUS AE APPROVAL

Kramer Service Center
2412 Kramer Lane, Bldg. "C"
Austin, Texas 78758
(512) 505-7206


Austin Energy
Electric Service Planning Application (ESPA)
(Please Print or Type)

St. Elmo Service Center
4431-B Meinardus Drive
Austin, Texas 78744
(512) 505-7500

For Residential or Small Commercial "SERVICE ONLY" under 350 amps 1Ø or 225 amps 3Ø

Customer Name Bill Clark Phone 512-750-8816 cell.
Address 3704 Bonnell Drive
Legal Description Mt. Bonnell Terrace / Section 3
Lot 1 Block E Commercial/Residential? Residential

Service Main Size _____ (amps) Service Conductor _____ (type & size)
Service Length 75' (ft.) Number of Meters? 1 Multi-Fuel Y N
Overhead/Underground? _____ Voltage _____ ☐ Single-phase (1Ø) ☐ Three-phase (3Ø)
HVAC Total Square Footage 4170 # Total A/C Load _____ (# of units) _____ (Tons)
Largest A/C unit _____ (Tons) LRA of Largest A/C Unit _____ (amps)
Electric Heating N/A (kW) Other _____ (kW)

X Comments: _____

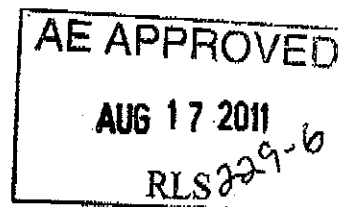
X David Clark - Lisa Hart 8/15/11 512-881-8816
ESPA Completed by (Signature & Print name) Date Phone
Project Coordinator - David Weekley Homes

AE Representative _____ Date _____

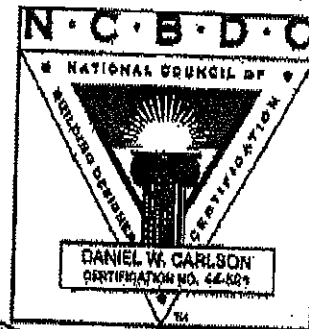
Approved: ☒ Yes ☐ No (Remarks on back) Phone _____

Application expires 90 days after date of Approval

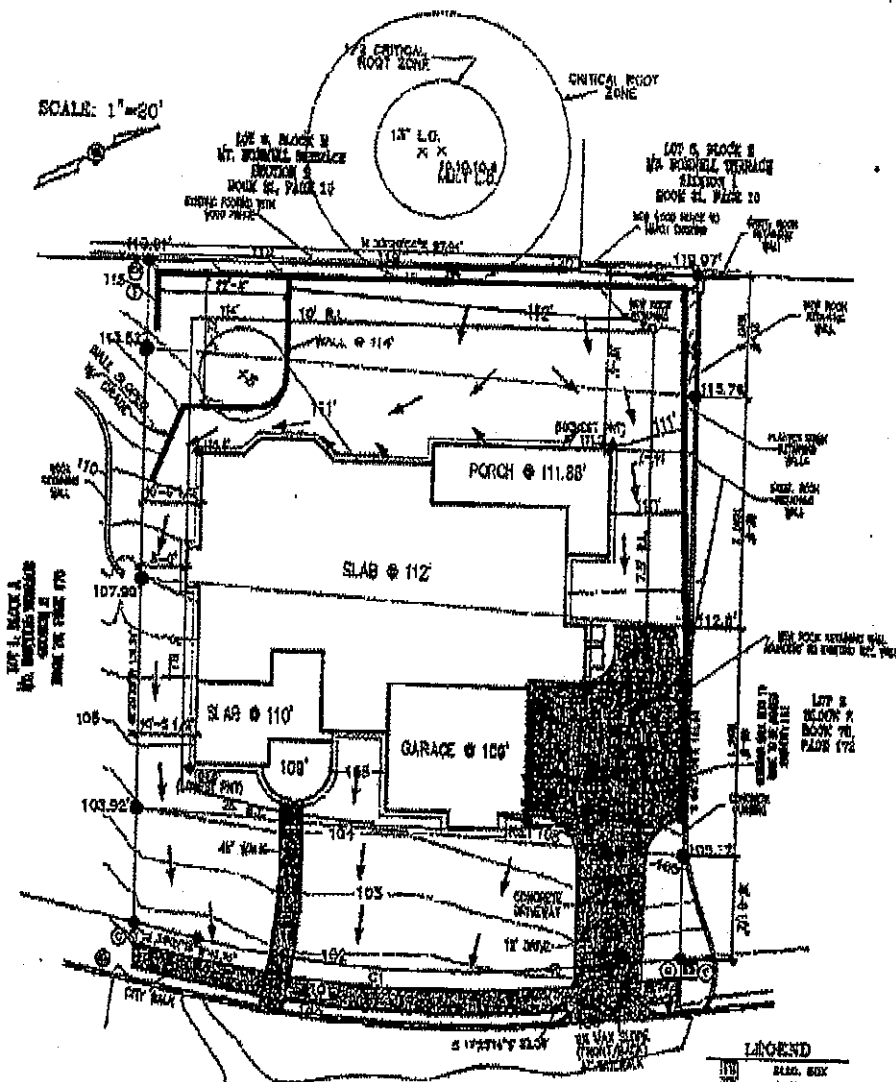
All structures etc. must maintain 7'5"
clearance from AE energized power
lines. Enforced by AE & NESC codes.



All structures etc. must maintain 7'5" clearance from AE energized power lines. Enforced by AE & NESC codes.



AVERAGE CORNERS
111.0'
104.6'
215.6' / 2 = 107.8'



3704 BONNELL DRIVE
(80' R.O.W.)

↓ - LINE OF RUNOFF DRAINAGE

Curve	Radius	Length	Chord	Chord Bearing
C	188.73	45.26	85.23	S 28°31'36" W
(C)	188.73	(45.44)	(85.74)	(S 28°32' W)

SITE PLAN - FINAL GRADE
scale: 1"=30'

AE APPROVED

AUG 17 2011

RLS

Final Set
06/03/11

NORTH
3688-B
PLT PLAKS
LUNDY
BORN, ANDREW

MOUNT BONNELL TERRACE
3704 Bonnell Drive
Austin, TX 78731

Proj. No.:
2023
Job No.:
1122

Lot	1
Qty	1
Spec	3

David Weekley Homes

MM/CL3/AJ	Scale: 1"=30'
Date: 02/26/08	Rev: 7/2/11

© Working Model L.P. 2003
The measurements, dimensions, and overall
specifications shown on this document
are intended for general information only.
The actual specifications of the finished
structure may vary. This document may
not be relied on as a representation of
what the completed structure will look like.



Austin Water Utility

Water & Wastewater Service Plan Verification

(W & WW SPV)

(Please Print or Type)

Customer Name: William D. & Claudia Clark Phone: 512-750-8346 Alternate Phone: _____

Service Address: 3704 Bonnell Drive

Lot: 1 Block: E Subdivision/Land Status: Mount Bonnell Terrace Tax Parcel ID No.: _____

Existing Use: vacant single-family res. duplex garage apartment other _____
(Circle one)

Proposed Use: vacant single-family res. duplex garage apartment other _____
(Circle one)

Number of existing bathrooms: N/A Number of proposed bathrooms: 5 (4 full & 2 one-half baths)

Water Main size: 8" Service stub size: 1 1/2" City of Austin Office Use Service stub upgrade required? NO New stub size: _____

Existing Meter number: N/A Existing Meter size: N/A Upgrade required? — New size: 3/4"

WW Service: Septic System/On-Site Sewage Facility (OSSF) _____ or WW Collection System X WW Main size: 8"

If the site has an OSSF, please contact Utility Development Services (UDS) at 972-0210 or 972-0211, Waller Creek Center, 625 E. 10th Street, Suite 715 for consultation and approval.

W&WWSPV Completed by (Signature & Print name) Lisa Ahart Date 8/17/11 Phone 512-821-8816

Project Coordinator - David Weekley Homes

OSSF (if applicable) Approved by UDS (Signature & Print name) _____ Date _____ Phone _____

AWU Representative _____ Date 8/18/11 Phone 974-8734

Approved: ☐ Yes (see attached approved documents) ☐ No - need to purchase services.

NOTE: For residential plan review, this original stamped "approval" must be submitted with the stamped "original" floor plan.

Verification expires 180 days after date of Submittal

Instructions:

The intent of the "W&WWSPV" is to ensure that, prior to beginning a single-family residential project (includes duplex and garage apartment uses), adequate water/wastewater service can be provided to the site and is planned for as part of the overall project, and to ensure that the applicant is aware of the potential costs associated with the relocation, new service or upgrading of existing services to the site.

A "W&WWSPV" is required, prior to submitting for residential permit, for the following project types:

- Construction of a new home, duplex, or garage apartment (except for projects identified as a "volume builder" project)
- Remodeling/additions to an existing structure to increase the number of total bathrooms on the site to more than 3
- Remodeling/additions that increase the number of units on the site (for example, converting a home to a duplex)
- Remodeling/additions to an existing structure to increase the number of total bedrooms, total living square footage or change in surface improvement such as swimming pool, driveway, garage, etc. (for structure using OSSF)

If a "W&WWSPV" is required, complete the verification form above, and provide a copy of the "plot plan" for the site, including floor plan and other required planning material for OSSF. The "plot plan" should be to a standard scale and show all existing and proposed improvements. Submit the application and planning material to Austin Water Utility Taps Division (to UDS for OSSF) for approval, prior to submitting for a residential building permit, at one of the locations below.

Note: Applicant must contact AWU taps office, at either location noted below, to submit an application (if required) for a meter upgrade or a new service before issuance of the building permit.

Austin Water Utility- Waller Creek

625 E 10th St, Austin, TX 78704

(512) 972-0000 - Suite 200 - TAPS

(512) 972-0207 - Suite 715 - UDS Division

WATER & WASTEWATER UTILITY
CONSUMER SERVICES DIVISION

Development Assistance Center- One Texas Center

505 Barton Springs, Austin, TX 78704

(512) 974-6370

Einhaus, Jim

From: Einhaus, Jim
Sent: Wednesday, June 15, 2011 2:48 PM
To: Einhaus, Jim
Subject: save to Clark file - no tree permit

Jim Einhaus
Senior Sales Consultant
David Weekley Homes
Build On Your Lot Program
512-784-7277
jeinhaus@dwhomes.com
fx 512-372-8725

From: Gobel, James [James.Gobel@ci.austin.tx.us]
Sent: Wednesday, June 15, 2011 2:34 PM
To: Einhaus, Jim
Cc: Ramirez, Elaine
Subject: RE: updated site plans

Elaine And Jim:

There are no trees large enough to warrant a tree permit for this site.
The tree at the rear of the property will not be impacted by the proposed construction.
According to Jim Einhaus, David weekly has hired an arborist to ensure no damage occurs to
the rear lot's tree during the construction phase. Please do not hold up the review for
tree permit requirements. No tree permit is required.

Thank you,

Jim Gobel

Development Review and Tree Inspection
City Arborist Program
Planning & Development Review Department City of Austin jim.gobel@ci.austin.tx.us

(512) 974-2639 office
(512) 974-3010 fax
www.ci.austin.tx.us/trees

-----Original Message-----

From: Einhaus, Jim [mailto:jeinhaus@dwhomes.com]
Sent: Wednesday, June 15, 2011 2:12 PM
To: Gobel, James
Subject: FW: updated site plans

Jim

I know your normally off on Wednesdays, so wanted to send you this reminder about sending
me an email for my records, that upon your review, we will not need a tree permit for 3704
Bonnell Dr

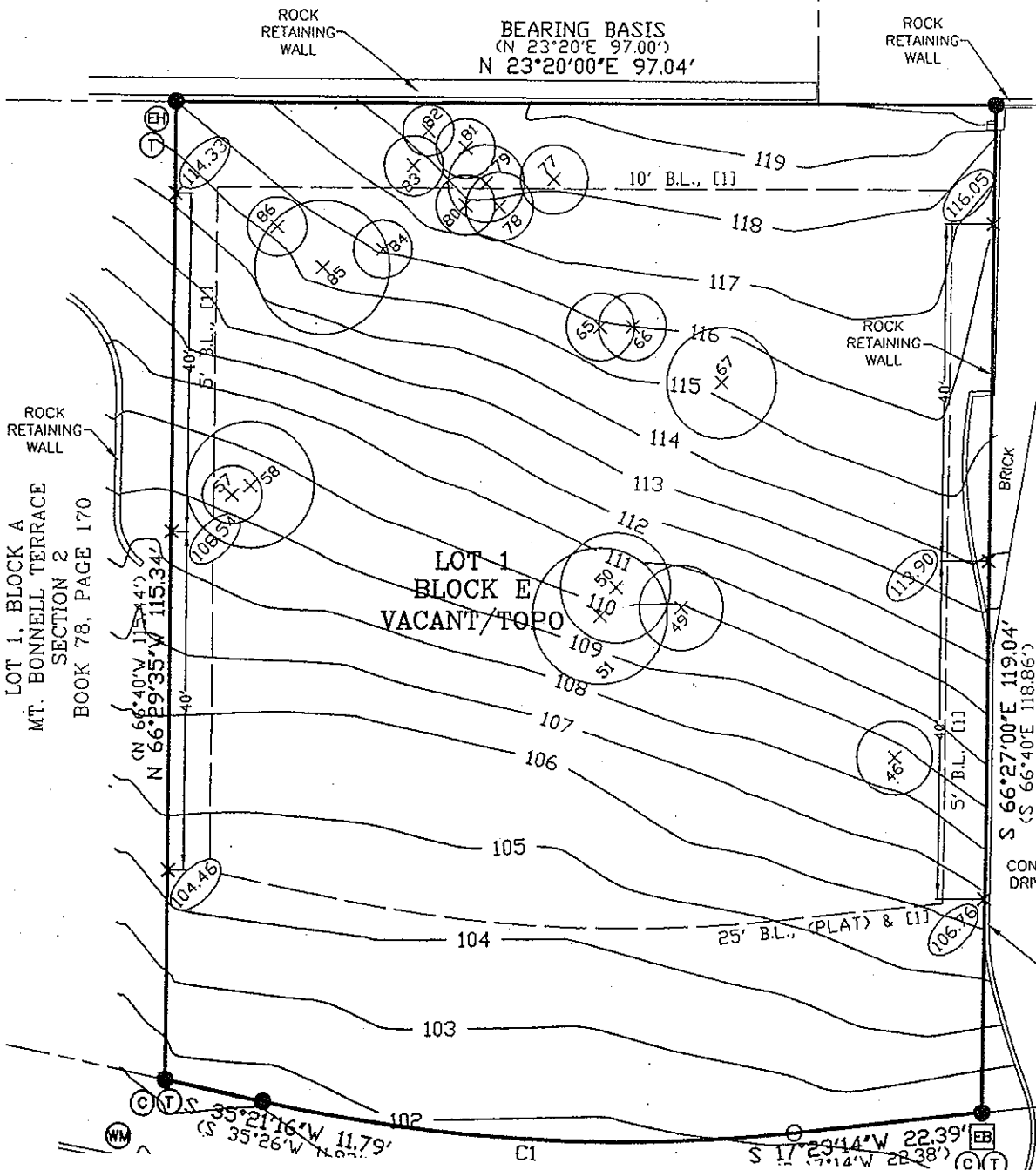
Thanks,
Jim Einhaus
Senior Sales Consultant
David Weekley Homes
Build On Your Lot Program
512-784-7277
jeinhaus@dwhomes.com
fx 512-372-8725

SCALE: 1"=20'

LOT 2, BLOCK E
MT. BONNELL TERRACE
SECTION 1
BOOK 31, PAGE 10

LOT 3, BLOCK E
MT. BONNELL TERRACE
SECTION 1
BOOK 31, PAGE 10

BEARING BASIS
(N 23°20'E 97.00')
N 23°20'00"E 97.04'

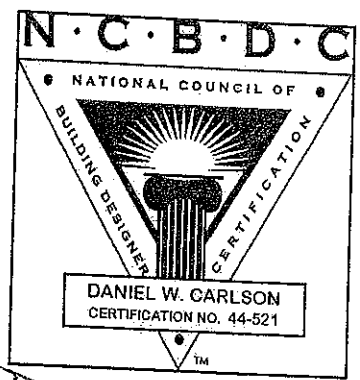


TREE#	SIZE/TYPE
46	9' MTN LAUREL
49	10' LIVE OAK
50	13' LIVE OAK
51	16' LIVE OAK
57	7' LIVE OAK
58	15' LIVE OAK
65	8' LIVE OAK
66	8' LIVE OAK
67	13' LIVE OAK
77	8' LIVE OAK
78	8' LIVE OAK
79	9' LIVE OAK
80	7' LIVE OAK
81	7' LIVE OAK
82	6' LIVE OAK
83	7' LIVE OAK
84	7' LIVE OAK
85	16' LIVE OAK
86	7' LIVE OAK

LOT 2
BLOCK E
BOOK 78,
PAGE 172

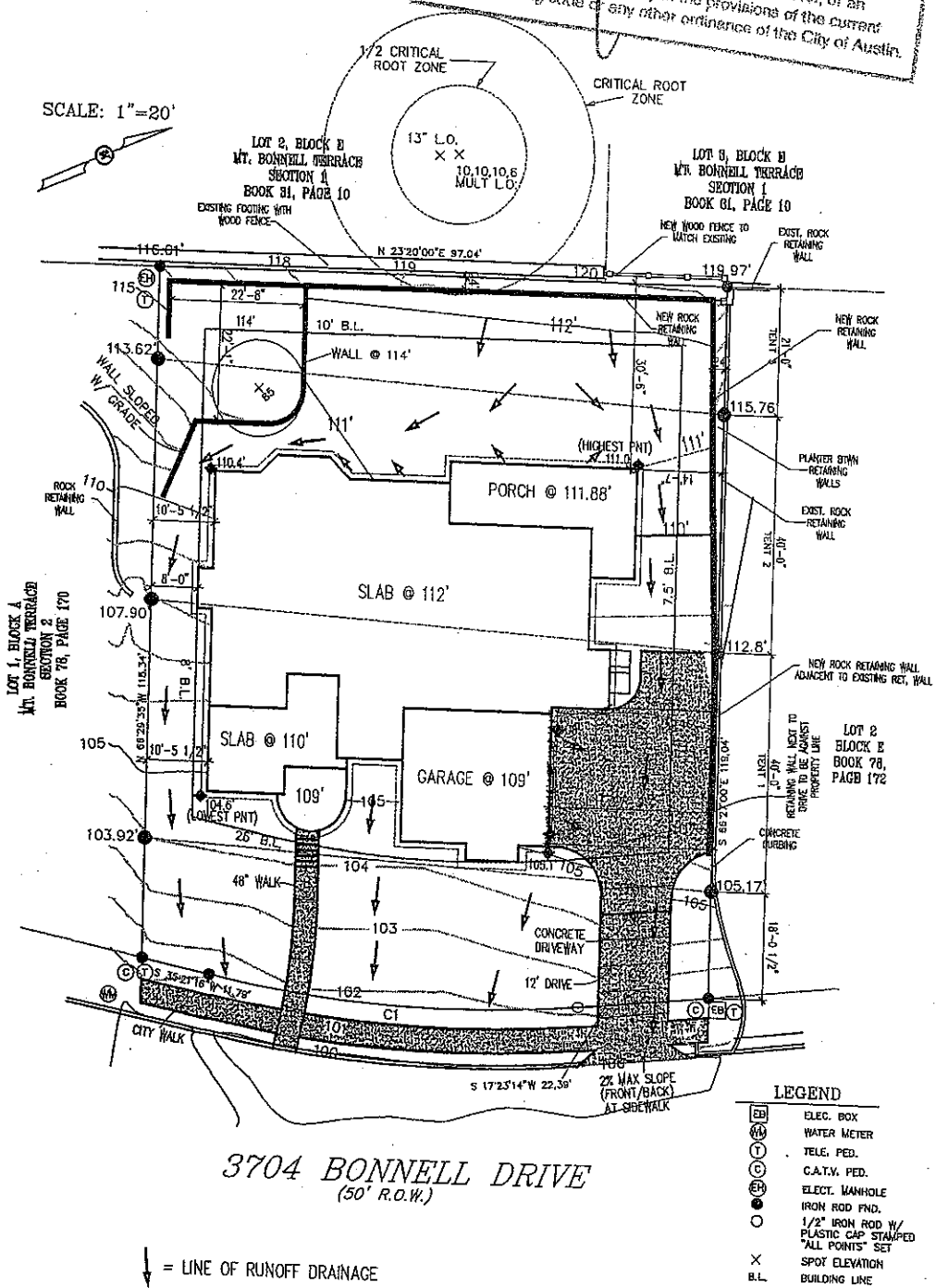
APPROVED FOR PERMIT
 By Greg Guernsey
 Planning and Development Review Department
 Date 8-26-11
 the granting of a permit for or approval of these plans and
 specifications shall not be construed to be a permit for, or an
 approval of any violation of any of the provisions of the current
 adopted building code or any other ordinance of the City of Austin.

THE SEAL ON THIS PAGE PERTAINS
 ONLY TO THE AFFIRMATION OF THE
 COMPLIANCE OF THESE PLANS TO THE
 RESIDENTIAL DESIGN AND COMPATIBILITY
 STANDARDS FOR THE CITY OF AUSTIN



Daniel W. Carlson
 AVERAGE CORNERS

111.0'
 104.6'
 215.6' / 2 = 107.8'



- LEGEND**
- WOOD FENCE
 - WIRE FENCE
 - CHAIN LINK FENCE
 - UTILITY LINE
 - WROUGHT IRON FENCE
 - A/C UNIT
 - ELEC. TRANS.
 - ELEC. BOX
 - ELEC. METER
 - WATER METER
 - SBC BOX
 - SEWER
 - GAS METER
 - WATER METER
 - TELE. PED.
 - C.A.T.V. PED.
 - ELECT. MANHOLE
 - TELE. COM.
 - IRON ROD FND.
 - 1/2" IRON ROD W/ PLASTIC CAP STAMPED "ALL POINTS" SET
 - SPINDLE FND.
 - SPINDLE SET
 - NAIL FND.
 - NAIL SET
 - PIPE FND.
 - PIPE SET
 - UTILITY POLE
 - FIRE HYDRANT
 - LIGHT STANDARD
 - SPOT ELEVATION
 - B.L. BUILDING LINE
 - D.E. DRAINAGE EASEMENT
 - P.U.E. PUBLIC UTILITY EASEMENT

- LEGEND**
- ELEC. BOX
 - WATER METER
 - TELE. PED.
 - C.A.T.V. PED.
 - ELECT. MANHOLE
 - IRON ROD FND.
 - 1/2" IRON ROD W/ PLASTIC CAP STAMPED "ALL POINTS" SET
 - SPOT ELEVATION
 - B.L. BUILDING LINE

Curve	Radius	Length	Chord	Chord Bearing
C1	199.73'	63.50'	63.23'	S 26°33'39" W
(C1)	(199.73')	(63.44')	(63.18')	(S 26°20' W)

3704 BONNELL DRIVE
 (50' R.O.W.)

SITE PLAN - FINAL GRADE
 scale: 1"=30'

Final Set

NORTH
3688-B
 PLT PLAN-3
 LUNDY

MOUNT BONNELL TERRACE
3704 Bonnell Drive
Austin, TX 78731

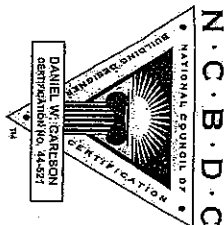
Proj. No.:
 2023
 Job No.:
 1122

Lot: 1
 Blk: E
 Sect: 3

David Weekley Homes
 MM/CL3/AJ
 Date: 02/26/08
 Scale: 1"=30'
 Rev.: 7/21/11

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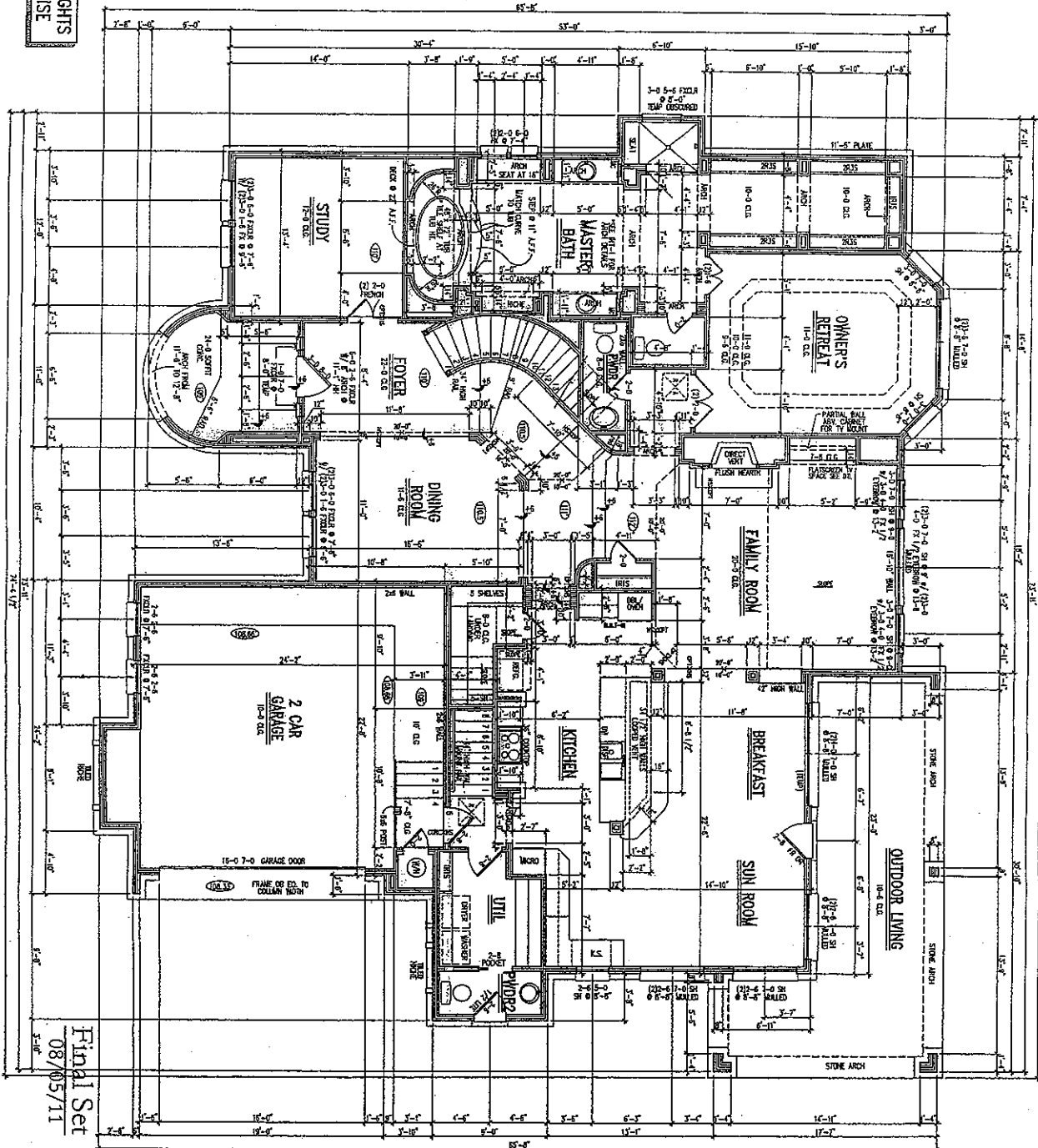


200.00

TRF. FRAMING: 2x6 EXTERIOR PERIMETER WALL
UNLESS NOTED OTHERWISE, 16" O.C.

NOTE: ALL 2ND FLR. CEILING HEIGHTS
10'-0" UNLESS NOTED OTHERWISE

FLOOR PLAN



Final Set
08/05/11

NORTH
3688-B
P.L.N.-1
LUNDY
BOUL AUSTIN

MOUNT BONNELL TERRACE
3704 Bonnell Drive
Austin, TX 78731

Proj. No.:
2023
Job No.:
1122

Lot: 1
Blk: E
Sect: 3

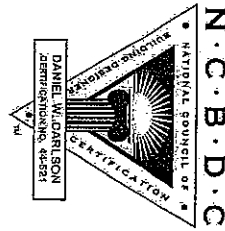
David Weekley Homes

MM/CL3/AJ
Date: 02/26/08

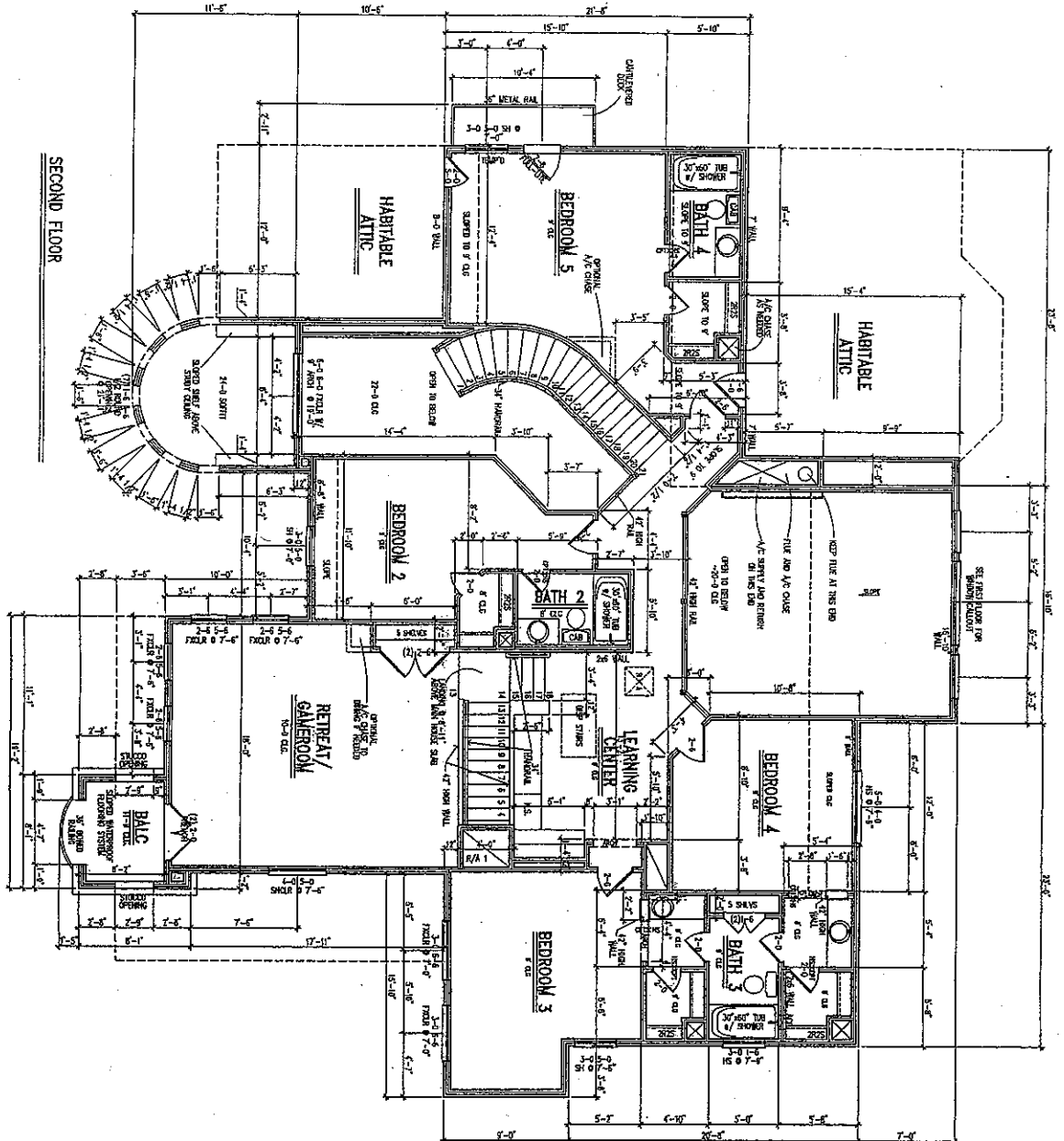
Scale: 1/8" = 1'-0"
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David Weekley



NOTE: ALL 2ND FLR. CEILING HEIGHTS
9'-0" UNLESS NOTED OTHERWISE

TYP. FRAMING: 2X6 EXTERIOR PERIMETER WALL
UNLESS NOTED OTHERWISE, 16" O.C.

Final Set
08/05/11

NORTH
3688 EB
PLN-2
LUNBY
BOIT AUSTIN

MOUNT BONNELL TERRACE
3704 Bonnell Drive
Austin, TX 78731

Proj No.:
2023
Job No.:
1122

Lot: 1
Blk: E
Sect: 3

David Weekley Homes

MM/CL3/AJ
Date: 02/26/08

Scale: 1/8" = 1'-0"
Rev: 7/21/11

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- NOTE: THE AREA SHALL MEET ALL CONDITIONS OF SECTION 11.10 AS FOLLOWS:
1. THE ROOF HEIGHT OF THE HIGHEST HABITABLE PORTION OF THE BUILDING SHALL BE 12' 0" OR GREATER.
 2. IT IS FULLY CONTAINED WITHIN THE ROOF STRUCTURE.
 3. IT HAS ONLY ONE FLOOR.
 4. IT DOES NOT EXTEND BEYOND THE FOOTPRINT OF THE FLOORS BELOW.
 5. IT IS THE HIGHEST PART OF THE BUILDING AND IS 7' 0" OR GREATER IN HEIGHT.
 6. SIX OR MORE OF THE AREA HAS A CEILING HEIGHT OF SEVEN FEET OR LESS.

NOTE: TO SATISFY THE REQUIREMENT THAT THIS AREA BE THE HIGHEST HABITABLE PORTION OF THE BUILDING, NO ATTIC ABOVE THIS FLOOR WILL BE ALLOWED. SUCH ATTIC SPACE WILL EITHER BE CROSSLIES OR BE LESS THAN 5' IN HEIGHT.

CALCULATIONS:

FRONT ATTIC UNDER 7'- 172 SF
 REAR ATTIC UNDER 7'- 398 SF
 TOTAL AREA UNDER 7'- 570 SF
 TOTAL AREA OVER 7'- 374 SF
 TOTAL EXEMPT AREAS - 944 SF

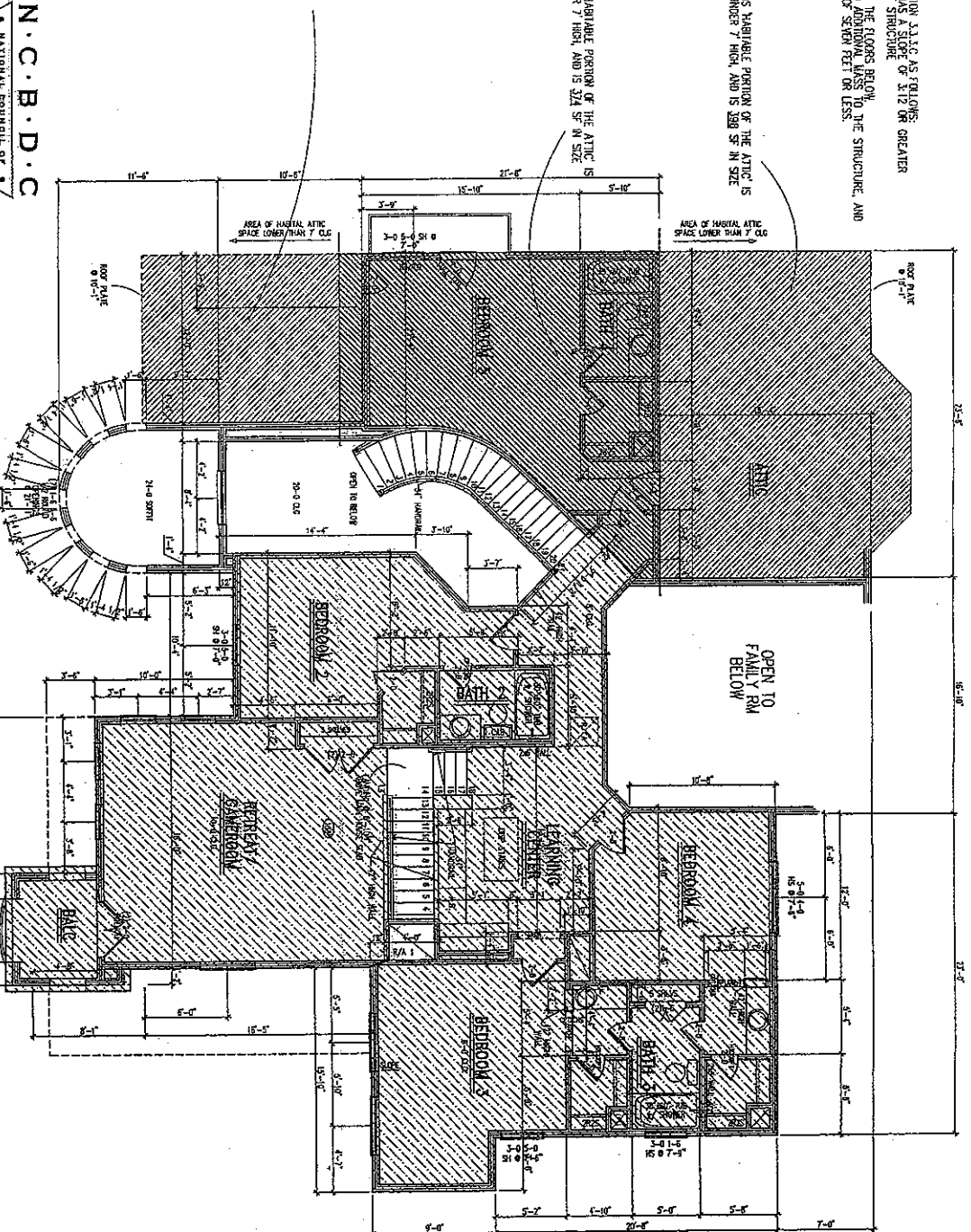
TOTAL FLOOR 2 AREA COVERED BY ROOF - 2447 SF
 TOTAL EXEMPT AREAS - 944 SF
 FLOOR 2 F.A.R. - 1503 SF

THIS HABITABLE PORTION OF THE ATTIC IS UNDER 7' HIGH, AND IS 172 SF IN SIZE.

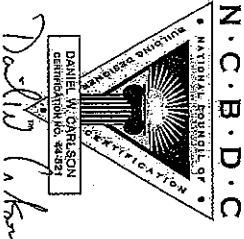
THIS HABITABLE PORTION OF THE ATTIC IS OVER 7' HIGH, AND IS 374 SF IN SIZE.

THIS HABITABLE PORTION OF THE ATTIC IS UNDER 7' HIGH, AND IS 398 SF IN SIZE.

CITY OF AUSTIN CALCULATIONS			
AREA	AREA	AREA	AREA
FRONT ATTIC UNDER 7'	172 SF	FRONT ATTIC UNDER 7'	172 SF
REAR ATTIC UNDER 7'	398 SF	REAR ATTIC UNDER 7'	398 SF
TOTAL AREA UNDER 7'	570 SF	TOTAL AREA UNDER 7'	570 SF
TOTAL AREA OVER 7'	374 SF	TOTAL AREA OVER 7'	374 SF
TOTAL EXEMPT AREAS	944 SF	TOTAL EXEMPT AREAS	944 SF
TOTAL FLOOR 2 AREA COVERED BY ROOF	2447 SF	TOTAL FLOOR 2 AREA COVERED BY ROOF	2447 SF
TOTAL EXEMPT AREAS	944 SF	TOTAL EXEMPT AREAS	944 SF
FLOOR 2 F.A.R.	1503 SF	FLOOR 2 F.A.R.	1503 SF



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SECOND FLOOR F.A.R. AREAS

Final Set
08/05/11

FRAMING PLAN (TEXAS)

UNLESS OTHERWISE NOTED, ALL MEMBERS TO BE 2" O.C. SPACING @ 24" O.C.

ALL DETAILS USED FOR ROOF SUPPORT ARE TO BE TYPICAL UNLESS OTHERWISE NOTED.

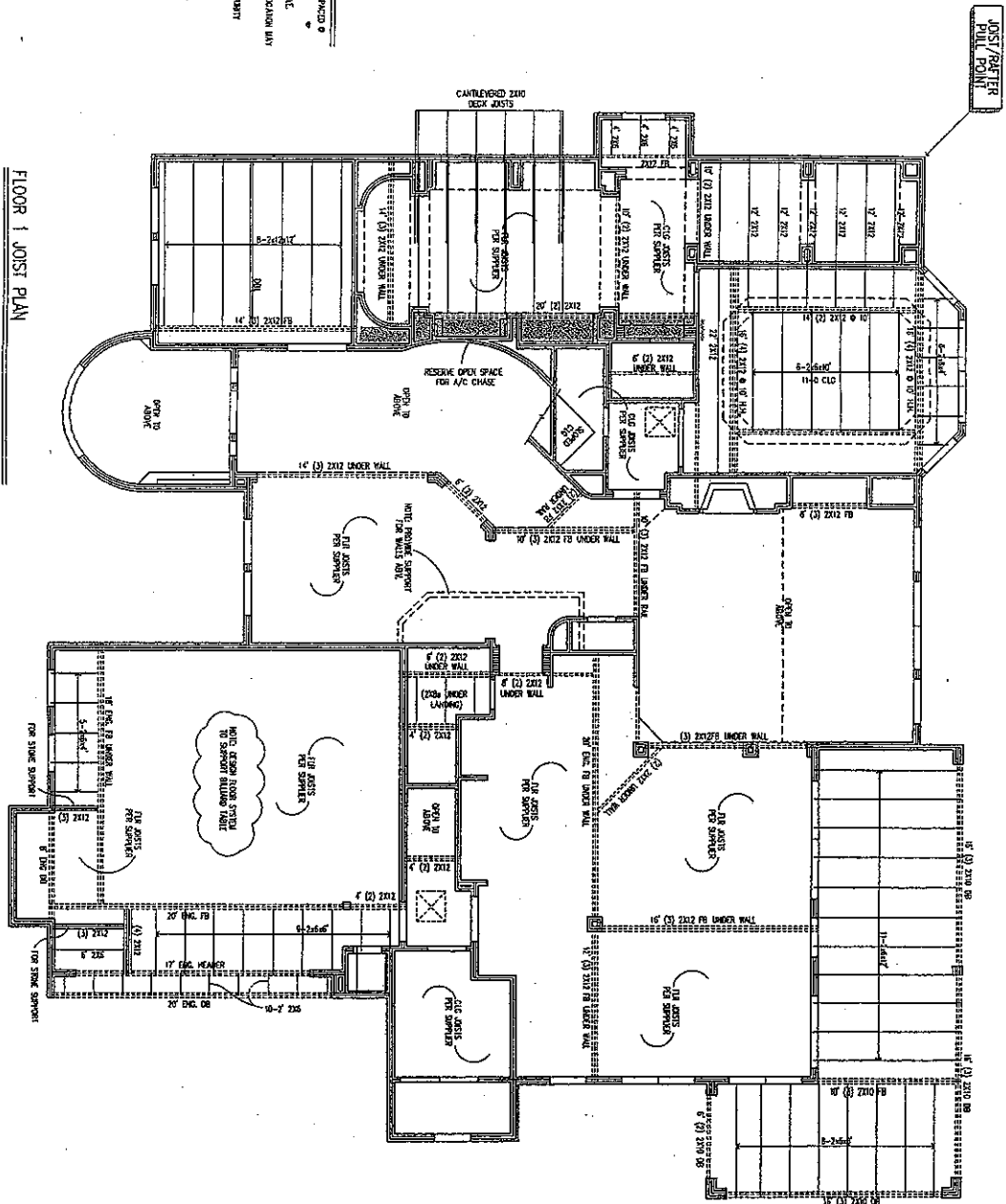
WATER HEATER, WATER PUMP AND PAN AS REQUIRED. WATER HEATER LOCATION MAY VARY FOR ROOF CONDITION OR CITY REQUIREMENTS.

DECORATIVE SHALL BE PROVIDED FOR REINFORCED AIRC STRUCTURE PER CURRENTLY REQUIREMENTS.

BT/MS = BEAM FOR ROOF BALANCE.

ROOF TO BEAM DETAIL FOR ALL WALLS AND JOIST SPACING AS A "TYPICAL".

ALL JOIST AND BEAMS TO BE SOUTHERN YELLOW PINE MATERIAL.



FLOOR 1 JOIST PLAN

Final Set
08/05/11

NORTH
3688-B
FRM-1
BOULDER, ARIZONA

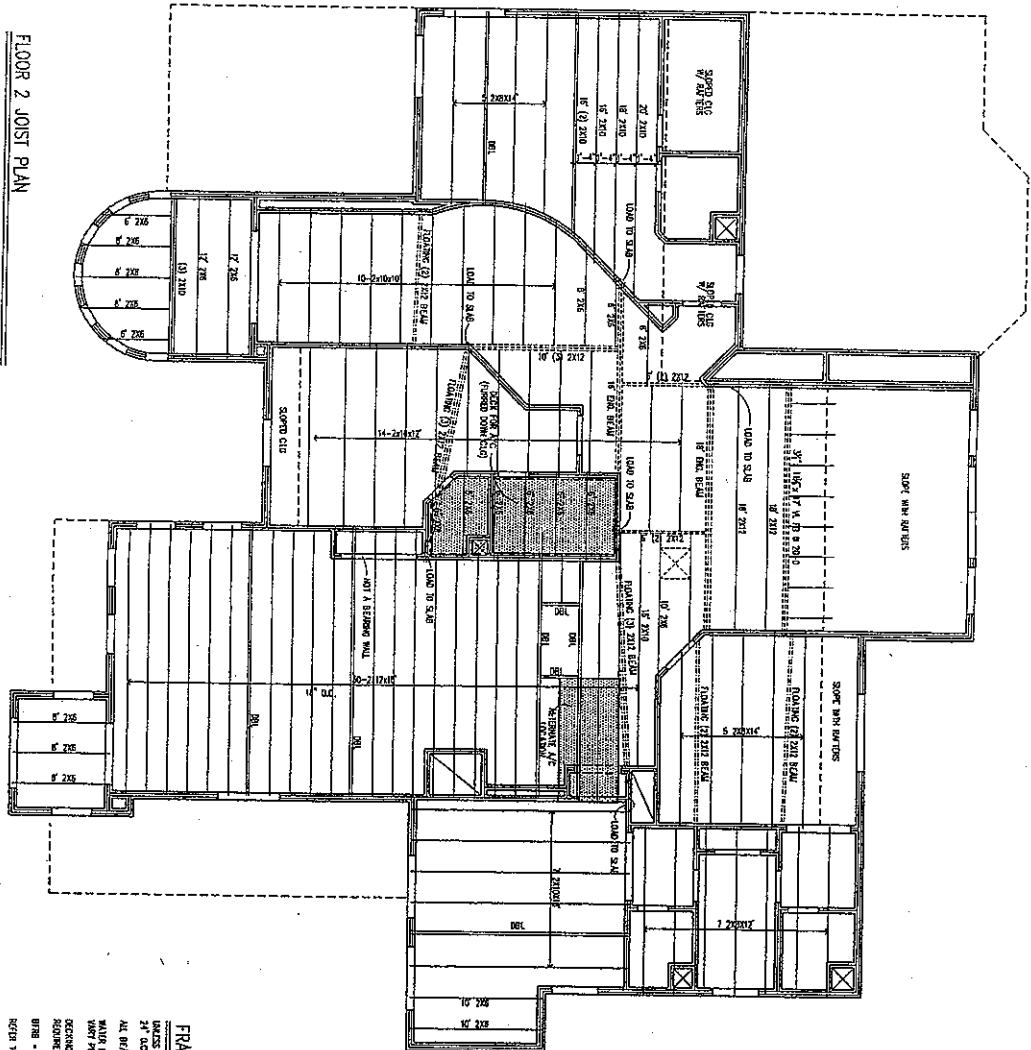
MOUNT BONNELL TERRACE
3704 Bonnell Drive
Austin, TX 78731

Proj. No.: 2023
Job No.: 1122
Lot: 1
Blk: E
Sect: 3

David Weekley Homes
MM/CL3/AJ
Date: 02/26/08
Scale: 1/8" = 1'-0"
Rev: 7/21/11

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FLOOR 2 JOIST PLAN



NOTE: ALL 2ND FLR. CEILING HEIGHTS
9'-0" UNLESS NOTED OTHERWISE

ADVANCED FRAMING: 2X6 EXTERIOR PERIMETER
WALL UNLESS NOTED OTHERWISE

FRAMING PLAN (TEXAS)

NOTES: CHECKING: VERIFY ALL DIMENSIONS TO SET NO. 3 GRADE MATERIAL SPACED @ 24" O.C.
ALL BEAMS USED FOR FRAME SUPPORT ARE TO BE DOWLED WITH POSSIBLE
WATER TIGHTNESS, PROVIDE BEAM AND PIVOT AS REQUIRED. VERIFY BEAM LOCATION MAY
VARY FOR SOIL CONDITION OR CITY REQUIREMENTS.
CHECKING SHALL BE PROVIDED FOR RELEVANT AISC, STEEL, TRUSS, CEMENTARY
REQUIREMENTS.
BIRM - BEAM FOR ROOF BRIDGE.
REFER TO SHEET 02.04 FOR ALL DETAILS AND JOISTS SHOWN AS A "TIE".
ALL JOISTS AND BEAMS TO BE CONCRETE FILLING FROM INTERIOR.

Final Set
08/05/11

NORTH
3688-B
FRM-2
LUNDY
BOULDER

MOUNT BONNELL TERRACE
3704 Bonnell Drive
Austin, TX 78731

Proj No.:
2023
Job No.:
1122

Lot: 1
Blk: E
Sect: 3

David Weekley Homes

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[illegible]

This is a detailed architectural floor plan of the second floor of the White House. The plan shows the layout of various rooms, including the Oval Office, the Situation Room, and several offices. It also depicts the Executive Residence and the West Wing. The plan is oriented with North at the top. Key features include:

- Central Corridor:** A wide corridor running through the center of the floor, connecting various rooms.
- Stairwells:** Several stairwells are shown, including a large one in the center and smaller ones in the corners.
- Rooms:** Labeled rooms include the Oval Office, Situation Room, and various offices. The Executive Residence is located on the right side of the plan.
- Entrances:** The plan shows the main entrance to the second floor and several other entrances.
- Orientation:** The plan is oriented with North at the top.

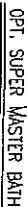
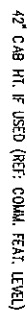
NORTH
3688-B
FILE-2
LUNDY
BOYL AUSTIN

MOUNT BONNELL TERRACE
3704 Bonnell Drive
Austin, TX 78731

Proj. No.: 2023	Lot: 1
Job No.: 1122	Blk: E
	Sect: 3

David Weekley Homes	
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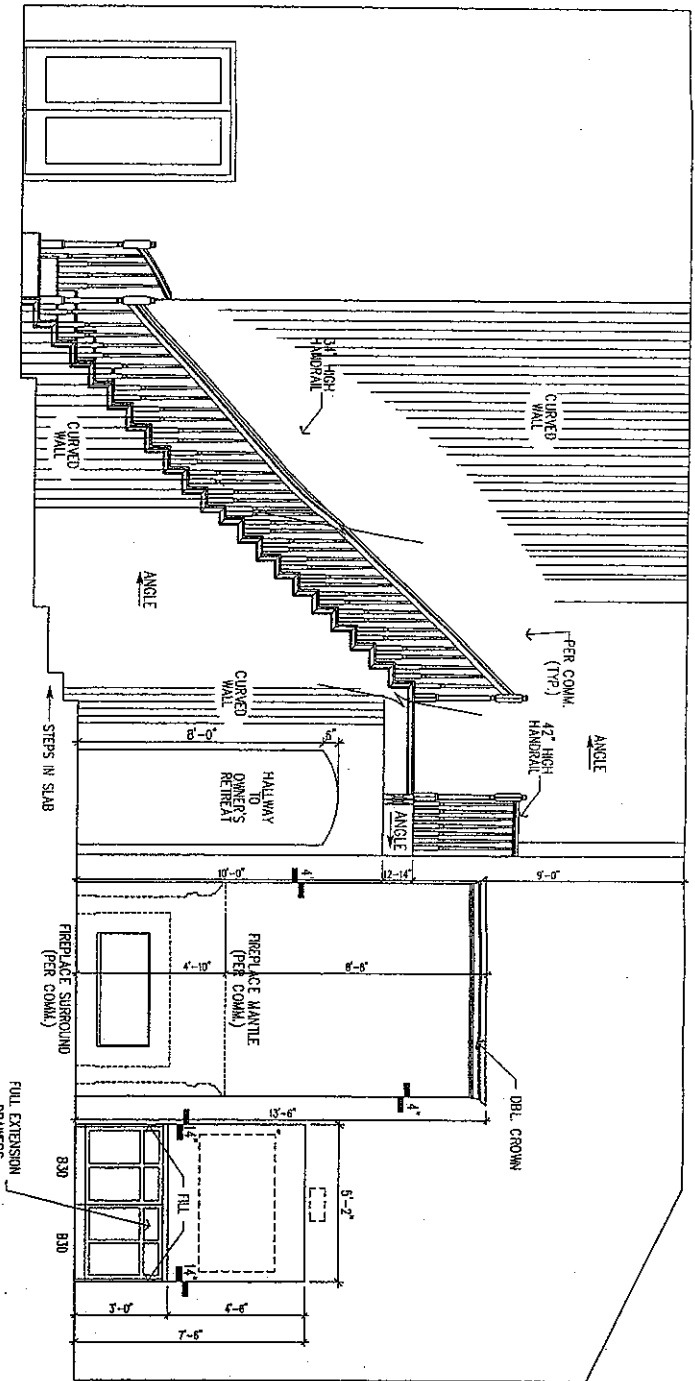


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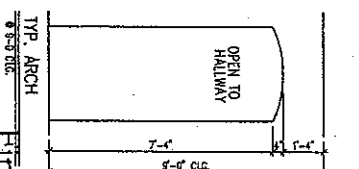
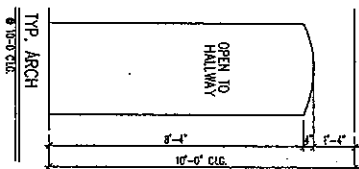
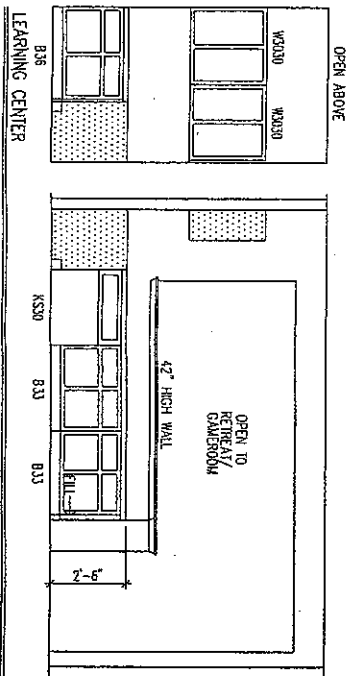
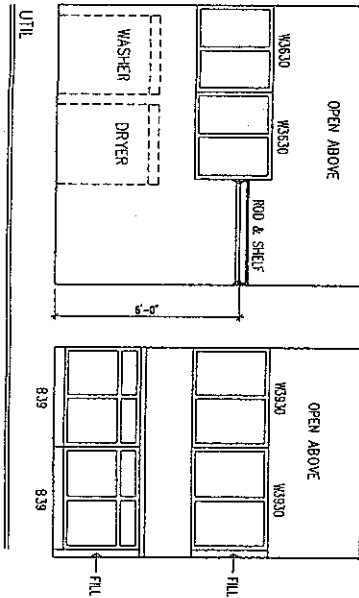
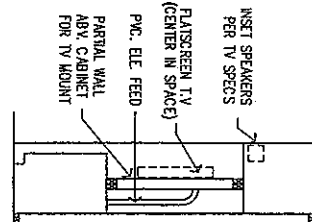
FOYER

STAIR SECTION

FAMILY ROOM



FLATSCREEN T.V. SECTION



Final Set
08/05/11

NORTH
3688-B
INT-2
LUNDY
BOL. AUSTIN

MOUNT BONNELL TERRACE
3704 Bonnell Drive
Austin, TX 78731

Proj. No.: 2023
Job No.: 1122
Lot: 1
Blk: E
Sect: 3

David Weekley Homes
MM/CL3/AJ
Date: 02/26/08
Scale: 1/4" = 1'-0"
Rev: 7/21/11

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N.C.B.D.C

DANIEL W. CARLSON
DEPT. OF ECONOMICS
UNIVERSITY OF CALIFORNIA
SAN DIEGO, CALIF. 92092

VERIFICATION NO. 44-061

TM

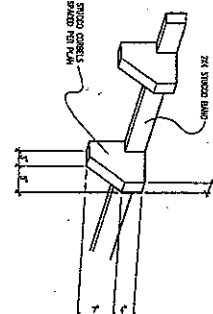
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—

3

FRONT ELEVATION

RIGHT ELEVATION

CORREL DETAIL
SCALE 1"=0'

Final Set
08/05/11

NORTH
3688-E
ELV-
LUNDY
BOY ALSTIN

MOUNT BONNELL TERRACE
 3704 Bonnell Drive
 Austin, TX 78731

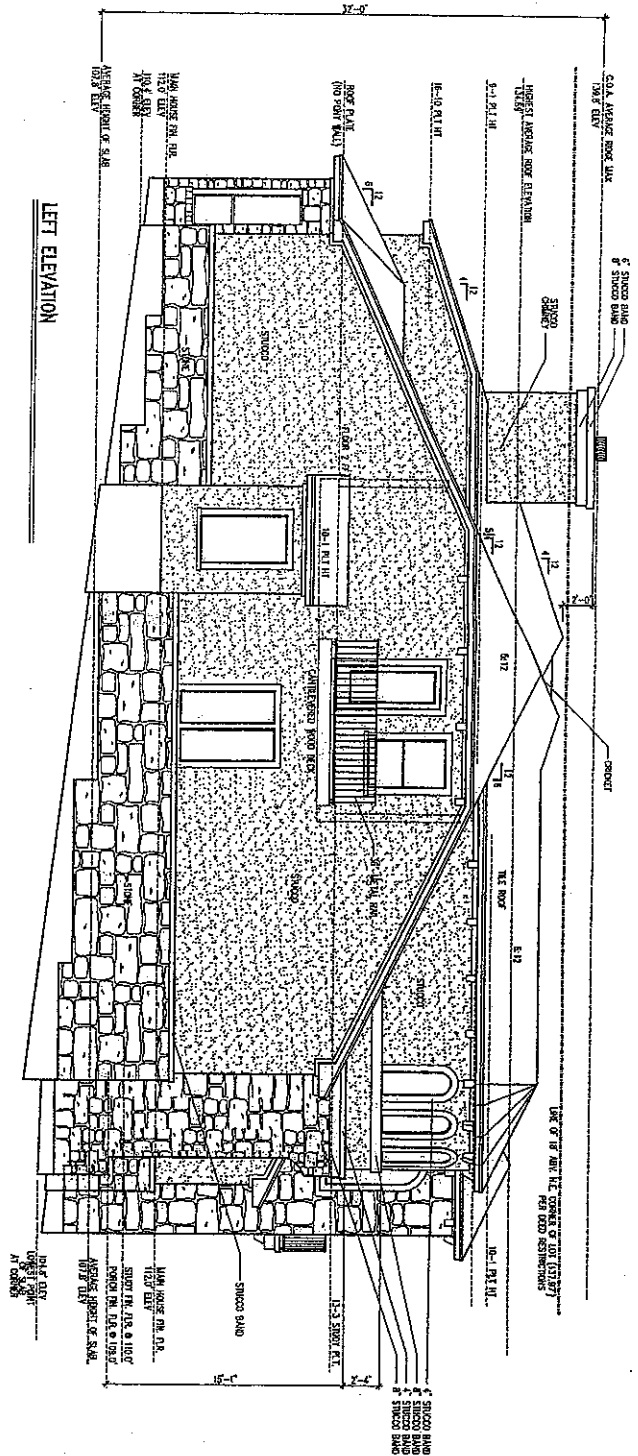
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Job No.:	1122

Lot:	1
Blk:	E
Sect:	3

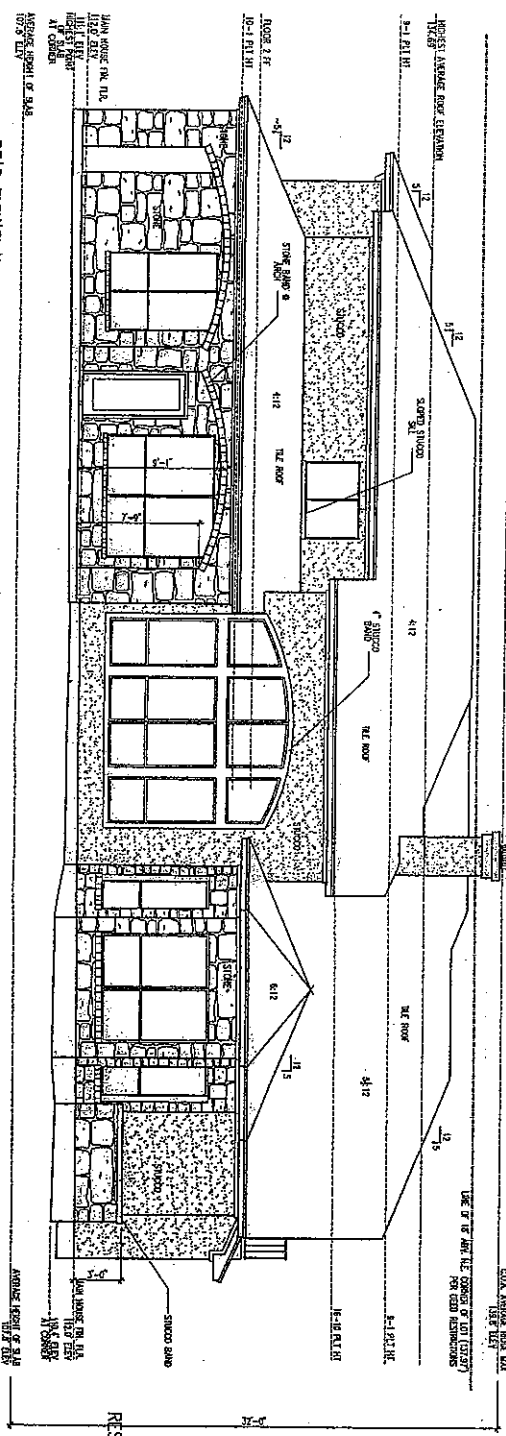
David Weekley Homes

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Date: 02/26/08	Rev: 7/21/11

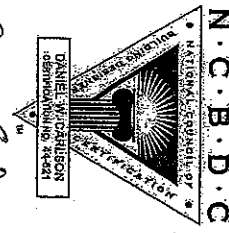
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LEFT ELEVATION



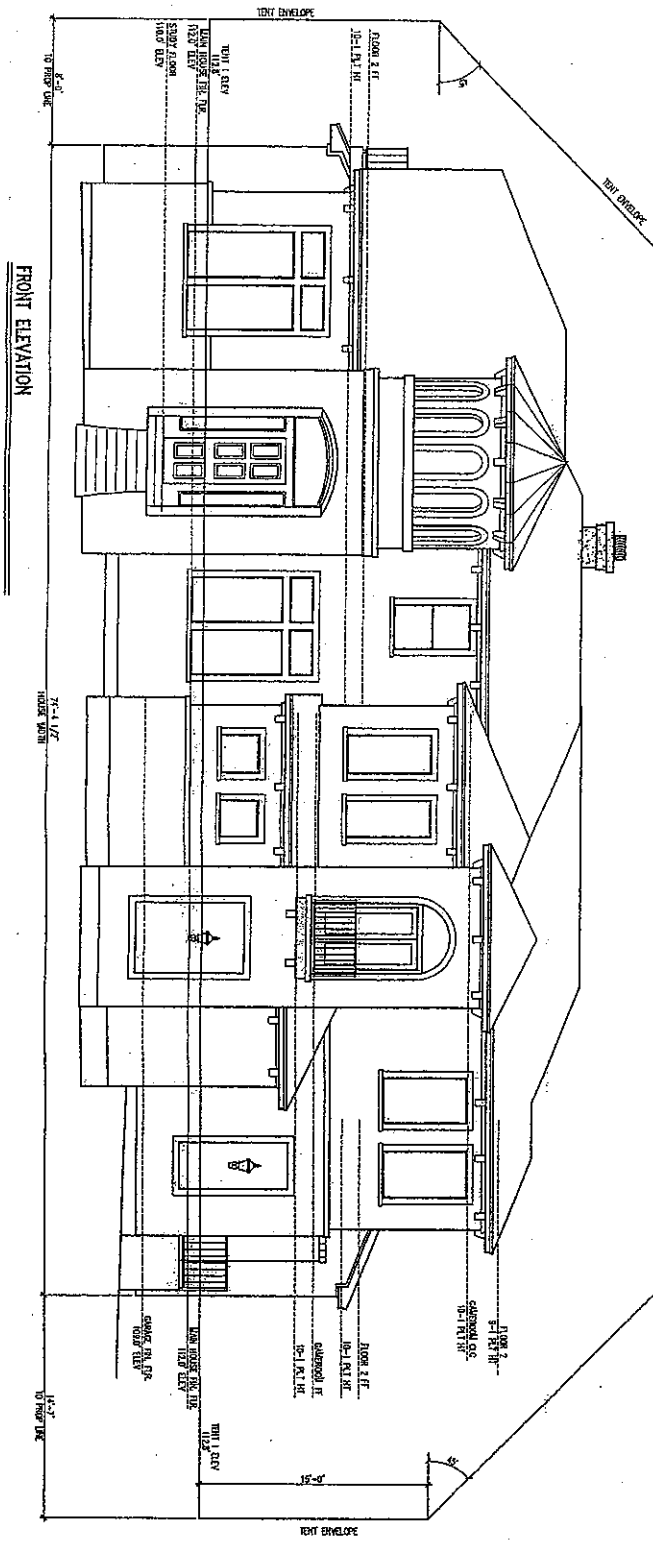
REAR ELEVATION



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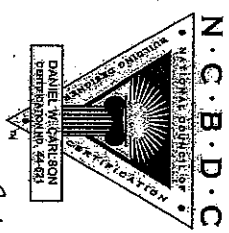
Final Set
08/05/11

NORTH 3688-B ELV-2 BOULDER AUSTIN	MOUNT BONNELL TERRACE 3704 Bonnell Terrace Austin, TX 78731	Proj. No.: 2023	Lot: 1	David Weekley Homes MM/CL3/AJ Date: 02/26/08	Scale: 1/8" = 1'-0" Rev: 7/21/11	©Teddy Homes LP 2008 The measurements, dimensions, and other specifications shown on this document are guidelines for construction use only. The actual specifications of the finished structure may vary. This document may not be relied on as a representation of what the completed structure will look like.
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FRONT ELEVATION

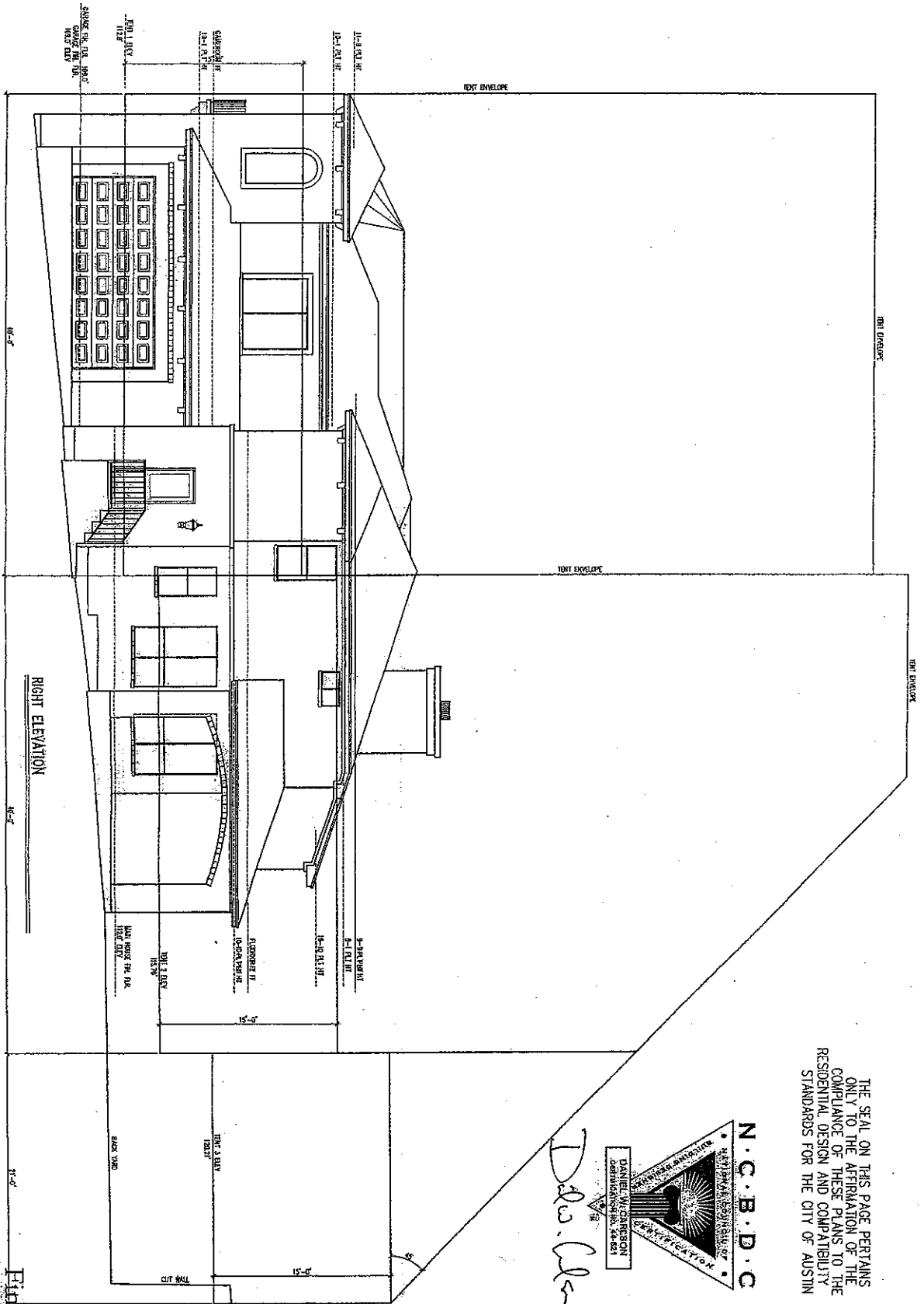
David Weekley



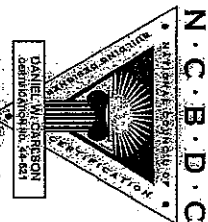
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Final Set
08/05/11

NORTH 3688-B MCM-1 BOY, AUSTIN	MOUNT BONNELL DRIVE 3704 Bonnell Drive Austin, TX 78731	Proj. No.: 2023	Lot: 1 Blk: E Sect: 3	David Weekley Homes MM/CL3/AJ Date: 02/26/08	Scale: 1/8" = 1'-0" Rev: 1/21/11	© Weekley Homes L.P. 2008 The measurements, dimensions, and other specifications shown on this document are guidelines for construction use only. The actual specifications of the finished structure may vary. This document may not be relied on as a representation of what the completed structure will look like.
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STANDARDS FOR THE CITY OF AUSTIN



Final Set
08/05/11

NORTH
3688.B
MCM-2
LUNBY
BOULDER

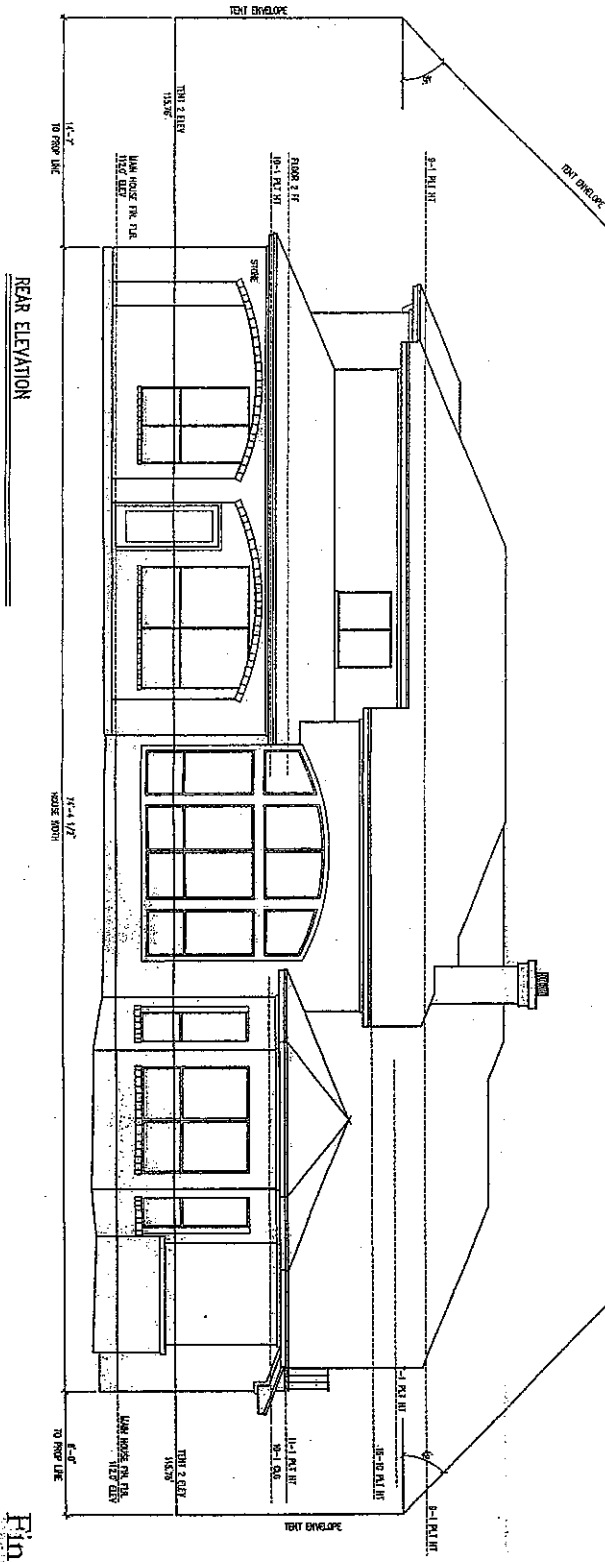
MOUNT BONNELL DRIVE
3704 Bonnell Drive
Austin, TX 78731

Proj. No.:
2023
Job No.:
1122

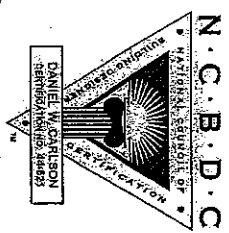
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Blk: E
Sect: 3

David Weekley Homes
MM/CL3/AJ
Date: 02/26/08
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Rev: 7/21/11

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D. J. Chen



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Final Set
08/05/11

NORTH
3688-B
MCM-3
LUNBY
BOUL/AUSTIN

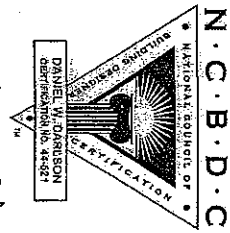
MOUNT BONNELL DRIVE
3704 Bonnell Drive
Austin, TX 78731

Proj. No.: 2023
Job No.: 1122
Lot: 1
Blk: E
Sect: 3

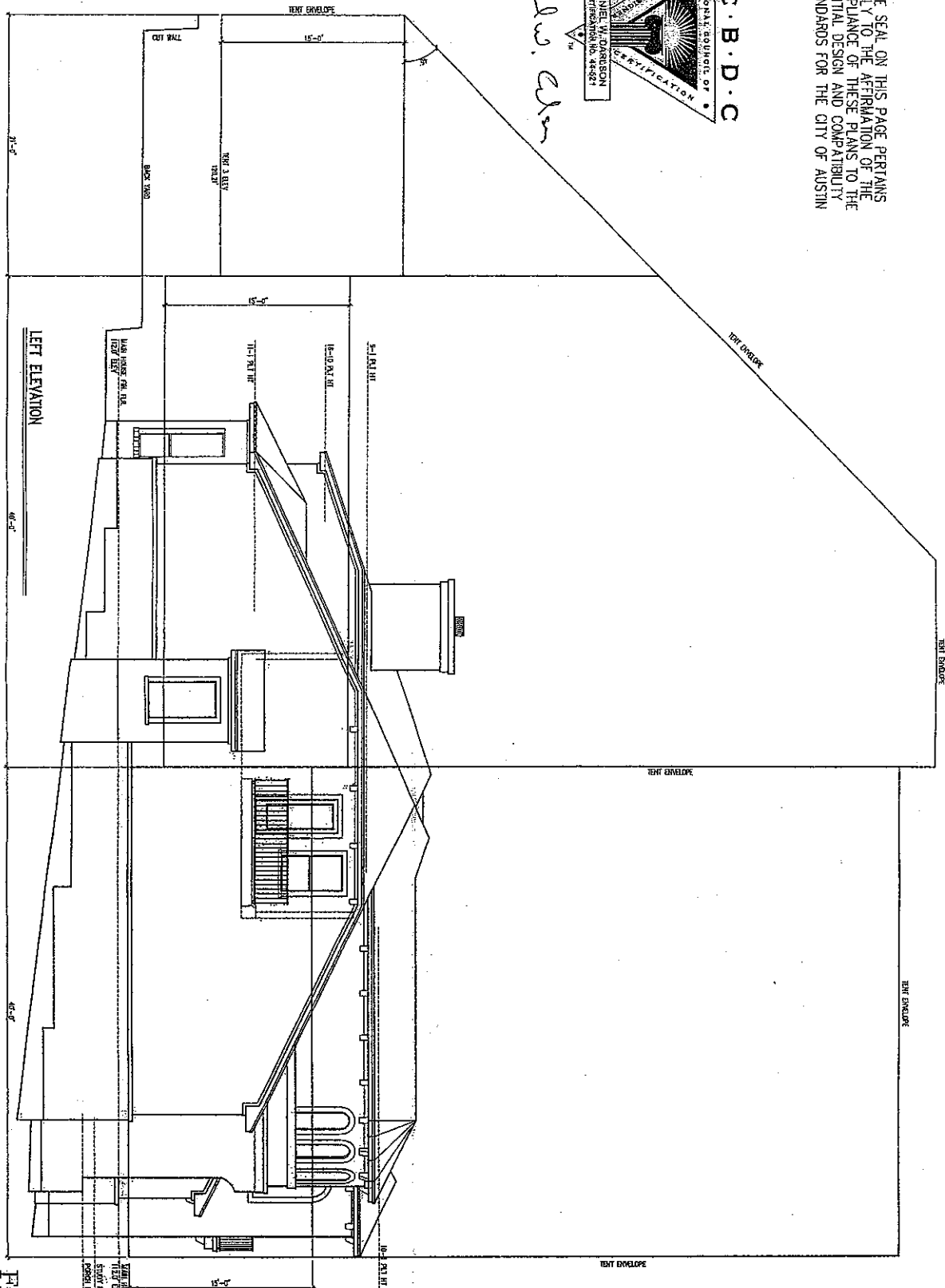
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MM/CL3/AJ Date: 02/26/08 Scale: 1/8" = 1'-0" Rev: 7/21/11

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D.W. Davidson



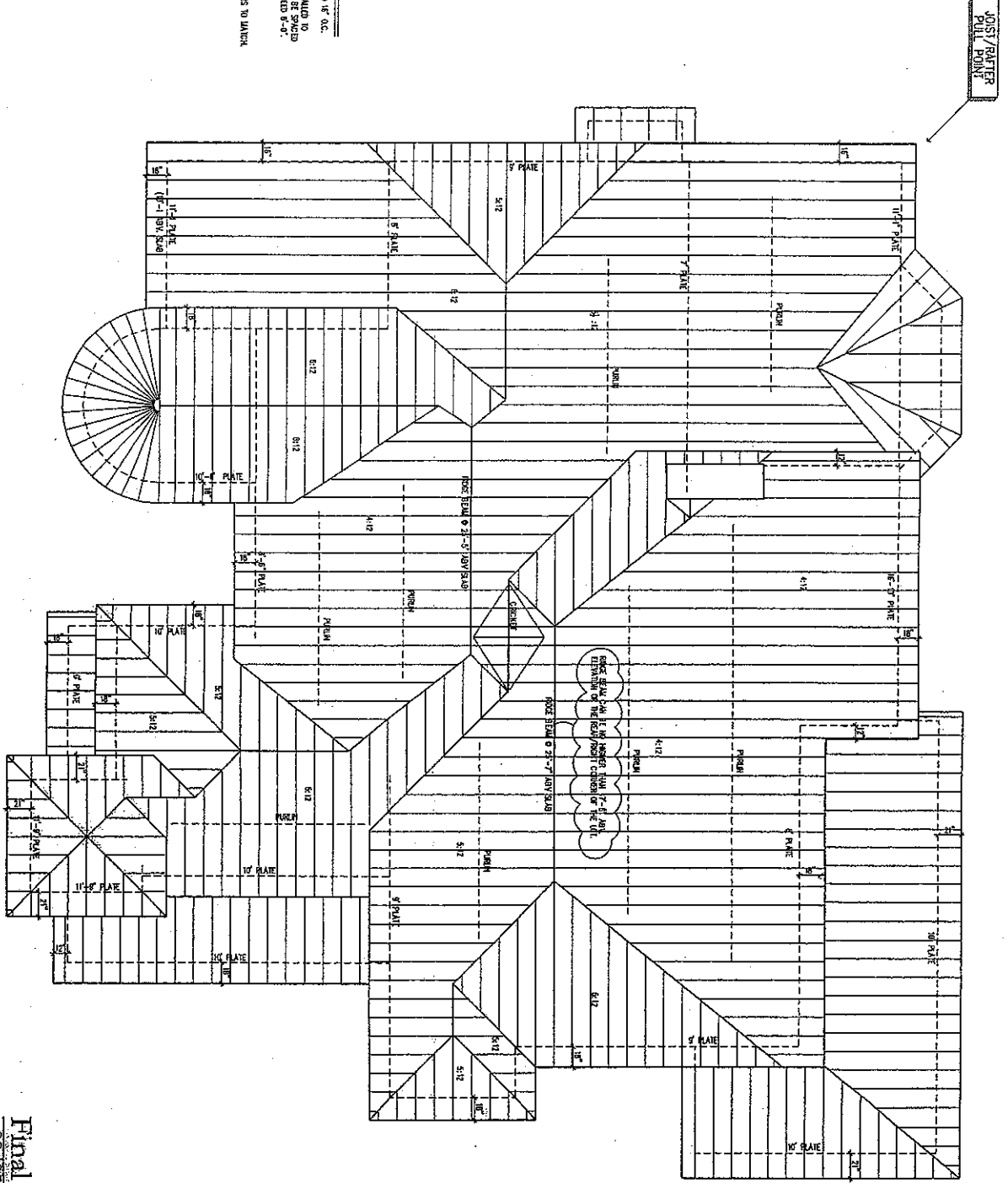
Final Set
08/05/11

NORTH 3688-B MCM-4 LUNDY BOY, AUSTIN	MOUNT BONNELL DRIVE 3704 Bonnell Drive Austin, TX 78731		Proj. No.: 2023	Lot: 1	David Weekley Homes MM/CL3/AJ Scale: 1/8" = 1'-0" Date: 02/26/08 Rev: 7/21/11	<small>© Weekley Homes L.P. 2006 The measurements, dimensions, and other specifications shown on this document are guidelines for construction use only. The actual specifications of the finished structure may vary. This document may not be relied on as a representation of what the completed structure will look like.</small>
			Job No.: 1122	Blk: E		
				Sect: 3		

RS: THE HIGHEST RIDGE OF THIS ROOF
 MORE THAN 17'-6" HIGHER THAN THE
 FINER OF THE LOT. MAKE SURE WHEN
 ST RIDGE THAT YOU CONFIRM THE HEIGHT
 1' OR OTHER ELEVATION-READING DEVICE.

CENTRAL TEXAS ROOF PLAN

UNLESS OTHERWISE NOTED, ALL MEMBERS TO BE 1/2" GRADE 24'S S17, 8' 1/2" O.C.
 PILING TO BE SUPPORTED BY STUDS (no smaller than 2x4), STUDS INSTALLED TO
 BEARING WALLS OR BEAM AT A SPACE NOT LESS THAN 16". STUDS SHALL BE SPACED
 NOT MORE THAN 4'-0" O.C. AND THE UNBRACED LENGTH SHALL NOT TO EXCEED 8'-0".
 FLOOR SHALL NEVER BE SHORTER THAN SUPPORTED RAFTER.
 OVERHANGS 8' 6/12 INCH TO BE 16" FROM OUTSIDE FACE OF FRAME, OTHERS TO VARY.
 OVERHANGS 8' 6/12 INCH TO BE 16" FROM OUTSIDE FACE OF FRAME.
 NOTE: REFER TO SOFT CLADDING SECTION ON TYPICAL DETAIL SHEET.
 CHANGES ARE TO BE PROVIDED FOR ALL JOISTS FASTENED TO RAFTERS.



Final Set
 08/05/11

NORTH
 3688-B
 RFP-1
 LUNDY
 BOY-AUSTIN

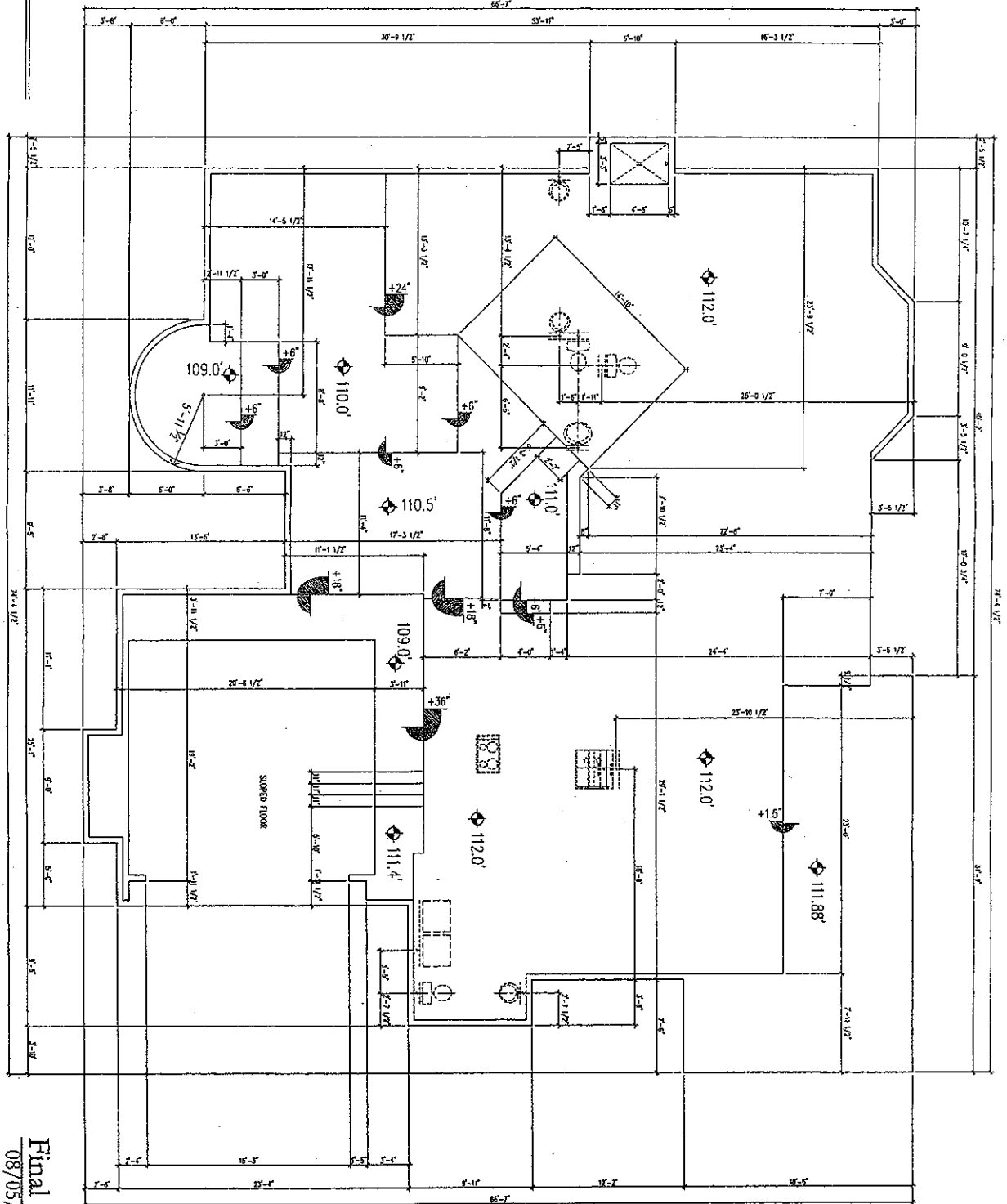
3704 Bonnell Drive
 Austin, TX 78731

Proj. No. 2023
 Job No. 1122
 Lot: 1
 Blk: E
 Sect: 3

David Weekley Homes
 MM/CL3/AJ
 Date: 02/26/08
 Scale: 1/8" = 1'-0"
 Rev.: 7/21

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 are guidelines for construction use only.
 The actual specifications of the finished
 structure may vary. This document may
 not be relied on as a representation of
 what the completed structure will look like.

FORM SET PLAN



Final Set
08/05/11

NORTH
3688-B
ES-1
LUNDY
BOL AUSTIN

MOUNT BONNELL TERRACE
3704 Bponnell Drive
Austin, TX 78731

Proj. No.:
2023
Job No.:
1122

Lot: 1
Blk: E
Sect: 3

David Weekley Homes

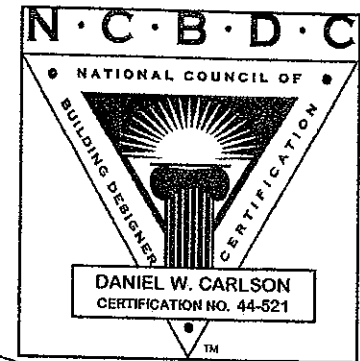
MM/CL3/AJ Scale: 1/8" = 1'-0"
Date: 02/26/08 Rev: 7/21/11

© Weekley Homes L.P. 2008
The measurements, dimensions, and other specifications shown on this document are guidelines for construction use only. The actual specifications of the finished structure may vary. This document may not be relied on as a representation of what the completed structure will look like.

EXHIBIT
EX1

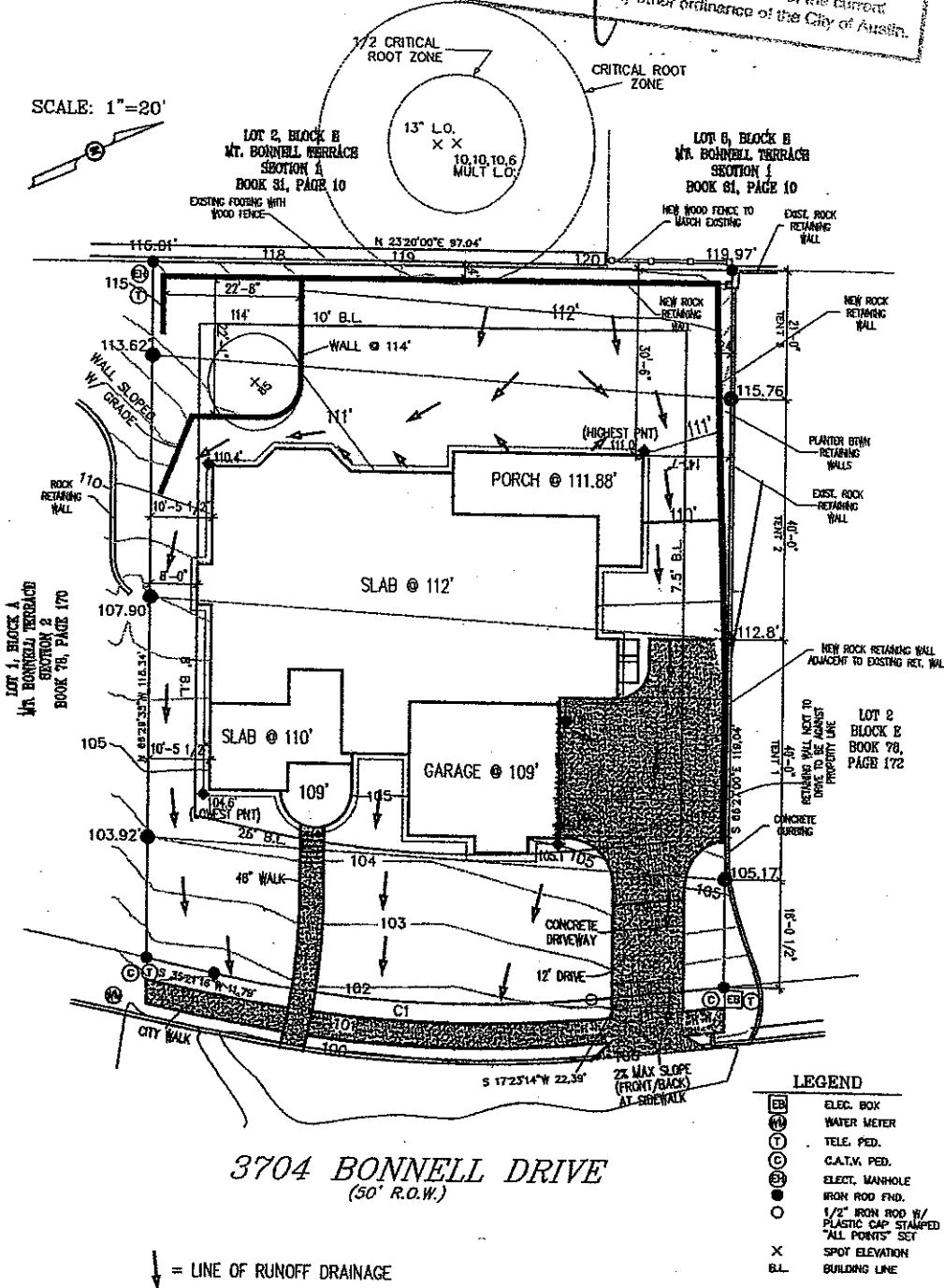
CITY OF AUSTIN
APPROVED FOR PERMIT
Greg Guernsey
Planning and Development Review Department
By *[Signature]* Date 8-26-11
the granting of a permit for, or approval of, these plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the current adopted building code or any other ordinance of the City of Austin.

THE SEAL ON THIS PAGE PERTAINS ONLY TO THE AFFIRMATION OF THE COMPLIANCE OF THESE PLANS TO THE RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS FOR THE CITY OF AUSTIN



Daniel W. Carlson
AVERAGE CORNERS

111.0'
104.6'
 $215.6' / 2 = 107.8'$



3704 BONNELL DRIVE
(50' R.O.W.)

— = LINE OF RUNOFF DRAINAGE

LEGEND

- EB ELEC. BOX
- WM WATER METER
- TELE. PED.
- C.A.T.V. PED.
- ELECT. MANHOLE
- IRON ROD FND.
- 1/2" IRON ROD W/ PLASTIC CAP STAMPED "ALL POINTS" SET
- X SPOT ELEVATION
- B.L. BUILDING LINE

LEGEND

- WOOD FENCE
- WIRE FENCE
- CHAIN LINK FENCE
- UTILITY LINE
- WROUGHT IRON FENCE
- A/C UNIT
- ELEC. TRANS.
- ELEC. BOX
- ELEC. METER
- WATER METER
- SBC BOX
- SEWER
- GAS METER
- WATER METER
- TELE. PED.
- C.A.T.V. PED.
- ELECT. MANHOLE
- TELE. COM.
- IRON ROD FND.
- 1/2" IRON ROD W/ PLASTIC CAP STAMPED "ALL POINTS" SET
- SPINDLE FND.
- SPINDLE SET
- NAIL FND.
- NAIL SET
- PIPE FND.
- PIPE SET
- UTILITY POLE
- FIRE HYDRANT
- LIGHT STANDARD
- SPOT ELEVATION
- B.L. BUILDING LINE
- D.E. DRAINAGE EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT

Curve	Radius	Length	Chord	Chord Bearing
C1	199.73'	63.50'	63.23'	S 26°33'39" W
(C1)	(199.73')	(63.44')	(63.18')	(S 26°20' W)

SITE PLAN - FINAL GRADE

scale: 1"=30'

MOUNT BONNELL TERRACE
3704 Bonnell Drive
Austin, TX 78731

Proj. No.: 2023
Job No.: 1122
Lot: 1
Blk: E
Sect: 3

David Weekley Homes

MM/CL3/AJ
Date: 02/26/08
Scale: 1"=30'
Rev: 7/21/11

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Final Set

NORTH
3688-B
PLT PLAN 3
LUNDY
BOY AUSTIN

RESIDENTIAL PERMIT APPLICATION "D"
FLOOR AREA RATIO INFORMATION

EXHIBIT E x 2

TO BE COMPLETED FOR ALL PROPERTIES LOCATED WITHIN THE RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS ORDINANCE BOUNDARY AREA.

Service Address 3704 Bonnell Drive

Applicant's Signature Lisa Ahart - Lisa Ahart
Project Coordinator - David Weekley Homes Date 8/17/14

GROSS FLOOR AREA AND FLOOR AREA RATIO as defined in the Austin Zoning Code.

	<u>Existing</u>	<u>New / Addition</u>
I. 1st Floor Gross Area		
a. 1 st floor area (excluding covered or uncovered finished ground-floor porches)	sq.ft.	<u>2667</u> ✓ sq.ft.
b. 1 st floor area with ceiling height over 15 feet.	sq.ft.	<u>0</u> sq.ft.
c. TOTAL (add a and b above)	sq.ft.	<u>2667</u> sq.ft.
II. 2nd Floor Gross Area See note ¹ below		
d. 2 nd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)	sq.ft.	<u>1503</u> sq.ft.
e. 2 nd floor area with ceiling height > 15 feet.	sq.ft.	<u>0</u> sq.ft.
f. TOTAL (add d and e above)	sq.ft.	<u>1503</u> sq.ft.
III. 3rd Floor Gross Area See note ¹ below		
g. 3 rd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft).	sq.ft.	<u>N/A</u> sq.ft.
h. 3 rd floor area with ceiling height > 15 feet	sq.ft.	<u>N/A</u> sq.ft.
i. TOTAL (add g and h above)	sq.ft.	<u>N/A</u> sq.ft.
IV. Basement Gross Area		
j. Floor area outside footprint of first floor or greater than 3 feet above grade at the average elevation at the intersections of the minimum front yard setback line and side property lines.	sq.ft.	<u>N/A</u> sq.ft.
V. Garage		
k. <input checked="" type="checkbox"/> attached (subtract 200 square feet if used to meet the minimum parking requirement)	sq.ft.	<u>367</u> ✓ sq.ft.
l. <input type="checkbox"/> detached (subtract 450 square feet if more than 10 feet from principal structure)	sq.ft.	<u>N/A</u> sq.ft.
VI. Carport (open on two or more sides without habitable space above it subtract 450 square feet)	sq.ft.	<u>N/A</u> sq.ft.
VII. TOTAL	sq.ft.	<u>4537</u> sq.ft.

TOTAL GROSS FLOOR AREA (add existing and new from VII above)

4537 sq. ft.

GROSS AREA OF LOT

11,683 sq. ft.

FLOOR AREA RATIO (gross floor area / gross area of lot)

38.83 ^{2/3}

¹ If a second or third floor meets all of the following criteria it is considered to be attic space and is not calculated as part of the overall Gross Floor Area of the structure.

- It is fully contained within the roof structure and the roof has a slope of 3 to 12 or greater
- It only has one floor within the roof structure
- It does not extend beyond the foot print of the floors below
- It is the highest habitable portion of the building; and
- Fifty percent or more of the area has a ceiling height of seven feet or less.

EXHIBIT Ex 3

ORDINANCE NO. 20060928-022

AN ORDINANCE AMENDING CHAPTER 2-1 OF THE CITY CODE TO ADD ARTICLE 53 RELATING TO THE RESIDENTIAL DESIGN AND COMPATIBILITY COMMISSION; AMENDING TITLE 25 OF THE CITY CODE RELATING TO THE CAPITOL VIEW CORRIDOR OVERLAY DISTRICT, DUPLEX RESIDENTIAL USES, RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS, NONCOMPLYING STRUCTURES, COMPATIBILITY HEIGHT LIMITATIONS, ORDINANCE REQUIREMENTS FOR NEIGHBORHOOD PLAN COMBINING DISTRICTS, BUILDING PERMITS, AND DEMOLITION PERMITS; PROVIDING FOR AN ORGANIZATIONAL MEETING OF THE RESIDENTIAL DESIGN AND COMPATIBILITY COMMISSION; REPEALING ORDINANCE NUMBERS 20060309-058 AND 20060622-022; AND PROVIDING FOR EMERGENCY PASSAGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Chapter 2-1 (*Boards And Commissions*) of the City Code is amended to add Article 53 to read:

ARTICLE 53. RESIDENTIAL DESIGN AND COMPATIBILITY COMMISSION.

§ 2-1-531 CREATION; MEMBERSHIP.

- (A) The Residential Design and Compatibility Commission is created and composed of nine members appointed by the city council.
- (B) To obtain a broad range of community viewpoints, the commission shall be appointed from a diverse group of persons having knowledge of massing, scale, and compatibility issues in residential neighborhoods, and shall include:
 - (1) five residential design professionals; and
 - (2) four citizens at large.

§ 2-1-532 TERMS.

- (A) Each commission member shall be appointed to serve a two-year term.
- (B) Five commission members shall be appointed to terms that expire on October 1 of even-numbered years and four commission members shall be appointed to terms that expire on October 1 of odd-numbered years.

§ 2-1-533 QUORUM.

Five members of the commission constitute a quorum for the conduct of business.

§ 2-1-534 DUTIES AND RESPONSIBILITIES.

The Residential Design and Compatibility Commission shall make determinations on requested modifications of certain residential design standards for specific developments, as prescribed by Chapter 25-2, Subchapter F (*Residential Design And Compatibility Standards*).

PART 2. Section 25-2-642 (*Capital View Corridor Overlay District Regulations*) is amended to amend Subsection (B) to read:

- (B) In a Capitol view corridor, a structure may not exceed the elevation [height] of the plane delineating the corridor. The height limitation exceptions of Section 25-2-531 (*Height Limitation Exceptions*) do not apply to this subsection.

PART 3. Section 25-2-773 (*Duplex Residential Use*) of the City Code is amended to add Subsection (D) to read:

(D) The two dwelling units:

- (1) must have a common wall or floor and ceiling, which may be a common garage wall, for at least 50 percent of the maximum depth of the building;
- (2) must have a common roof; and
- (3) may not be separated by a breezeway, carport, or other open building element.

PART 4. Chapter 25-2 of the City Code is amended to add Subchapter F as shown on Attachment "A".

PART 5. Section 25-2-963 (*Modification And Maintenance Of Noncomplying Structures*) of the City Code is amended to read:

§ 25-2-963 MODIFICATION AND MAINTENANCE OF NONCOMPLYING STRUCTURES.

- (A) Except as provided in Subsection (B) [~~of this section~~], a person may modify or maintain a noncomplying structure.
- (B) Except as provided in Subsections (C) and (D) [~~of this section~~], a person may not modify or maintain a noncomplying structure in a manner that increases

the degree to which the structure violates a requirement that caused the structure to be noncomplying.

- (C) A person may increase the height of a building that is a noncomplying structure based on a height requirement of this title if:
- (1) the increase is made to a portion of the building that:
 - (a) does not exceed the existing maximum height of the building; and
 - (b) complies with the yard setback requirements of this title;
 - (2) the increase does not exceed 15 percent of the existing maximum height of the building; and
 - (3) after modification, the height of the modified portion of the building does not exceed the existing maximum height of the building.
- (D) A person may modify a building that is a noncomplying structure based on a yard setback requirement of this title if:
- (1) the modified portion of the building:
 - (a) does not extend further into the required yard setback than the existing noncomplying portion of the building; [and]
 - (b) unless located in a street side yard, is not greater in height than the existing noncomplying portion of the building; and
 - (c) complies with the height requirements of this title; and
 - (2) the additional length of a modified portion of the building does not exceed the lesser of 50 percent of the length of the noncomplying portion of the building or 25 feet measured from the existing building and parallel to the lot line.
- (E) Subsection (D) applies to each yard setback requirement with which the existing building does not comply.
- (F) A person may modify a noncomplying building once under Subsection (C) and once under Subsection (D) [~~of this section~~]. This section does not prohibit a person from modifying a building along more than one yard setback as part of a single project.

PART 6. Section 25-2-964 (*Restoration And Use Of Damaged Or Destroyed Noncomplying Structures*) of the City Code is amended to read:

§ 25-2-964 RESTORATION AND USE OF DAMAGED OR DESTROYED NONCOMPLYING STRUCTURES.

(A) A person may restore a noncomplying structure that is damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind if the restoration begins not later than 12 months after the date the damage or destruction occurs.

(B) Except as provided in Section 25-2-963 (*Modification And Maintenance Of Noncomplying Structures*):

(1) a structure restored under this section is limited to the same building footprint, gross floor area, and interior volume as the damaged or destroyed structure; and

(2) a noncomplying portion of the structure may be restored only in the same location and to the same degree of noncompliance as the damaged or destroyed structure.

~~[A person may restore a damaged or destroyed noncomplying structure if the restoration begins not later than 12 months after the date the damage or destruction occurs.]~~

PART 7. Section 25-2-1062(D) (*Height Limitations And Setbacks For Small Sites*) of the City Code is amended to read:

(D) The height limitations for a structure are ~~[A person may not construct a structure that exceeds a height of]~~:

(1) two stories and ~~[or]~~ 30 feet, if the structure is 50 feet or less from property:

(a) in an SF-5 or more restrictive zoning district; or

(b) on which a use permitted in an SF-5 or more restrictive zoning district is located; or

(2) three stories and ~~[or]~~ 40 feet, if the structure is more than 50 feet and not more than 100 feet from property:

(a) in an SF-5 or more restrictive zoning district; or

(b) on which a use permitted in an SF-5 or more restrictive zoning district is located;

- (3) for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive; or
- (4) for a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.

PART 8. Section 25-2-1063(C) (*Height Limitations And Setbacks For Large Sites*) of the City Code is amended to read:

(C) The height limitations for a structure are [~~A person may not construct a structure that exceeds a height of~~]:

- (1) two stories and [~~or~~] 30 feet, if the structure is 50 feet or less from property:
 - (a) in an SF-5 or more restrictive zoning district; or
 - (b) on which a use permitted in an SF-5 or more restrictive zoning district is located; or
- (2) three stories and [~~or~~] 40 feet, if the structure is more than 50 feet and not more than 100 feet from property:
 - (a) in an SF-5 or more restrictive zoning district; or
 - (b) on which a use permitted in an SF-5 or more restrictive zoning district is located;
- (3) for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive; or
- (4) for a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.

PART 9. Section 25-2-1406 (*Ordinance Requirements*) of the City Code is amended to read:

§ 25-2-1406 ORDINANCE REQUIREMENTS.

An ordinance zoning or rezoning property as a NP combining district:

- (1) must prescribe the special uses described in Section 25-2-1403 (*Special Uses*) that are permitted in the district;
- (2) must describe the location of each residential infill special use, neighborhood urban center special use, or neighborhood mixed use building special use, if any;
- (3) may restrict the time of day during which a business in a neighborhood mixed use building special use may be open to the public;
- (4) may restrict a corner store special use, cottage special use, secondary apartment special use, or urban home special use, if any, to a designated portion of the district;
- (5) for a single-family residential use or a secondary apartment special use on an existing legal lot:
 - (a) may reduce the required minimum lot area to 2,500 square feet;
 - (b) may reduce the required minimum lot width to 25 feet; and
 - (c) for a lot with an area of 4,000 square feet or less, may increase the maximum impervious coverage to 65 percent;
- (6) may apply the requirements of Section 25-2-1602 (*Front Porch Setback*), Section 25-2-1603 (*Impervious Cover and Parking Placement Requirements*), or Section 25-2-1604 (*Garage Placement*) to the district or a designated portion of the district; and
- (7) may restrict front yard parking by including all or a portion of the district in the restricted parking area map described in Section 12-5-29 (*Front or Side Yard Parking*); and
- (8) may modify the following requirements of Subchapter F (*Residential Design And Compatibility Standards*):
 - (a) the maximum floor-to-area ratio and maximum square footage of gross floor area prescribed by Subchapter F (*Residential Design And Compatibility Standards*);

(b) the maximum linear feet of gables or dormers protruding from the setback plane;

(d) the height of the side and rear setback planes; and

(e) the minimum front yard setback requirement.

PART 10. Section 25-11-32 (*Building Permit Requirement*) of the City Code is amended to read:

§ 25-11-32 BUILDING PERMIT REQUIREMENT.

(A) Unless a technical code exempts an activity from its permitting requirements, a person may not perform the following activities unless the person first obtains the appropriate permit from the building official:

- (1) an activity regulated by Chapter 25-12, Article 1 (*Uniform Building Code*), Article 4 (*Electrical Code*), Article 5 (*Uniform Mechanical Code*), or Article 6 (*Uniform Plumbing Code*);
- (2) constructing or structurally altering a pier or other structure in or along the shores of:
 - (a) Lake Austin below an elevation of 504.9 feet above mean sea level;
 - (b) Town Lake below an elevation of 435.0 feet above mean sea level; or
 - (c) Lake Walter E. Long;
- (3) altering the shoreline or bed of Lake Austin, Town Lake, or Lake Walter E. Long by filling or dredging;
- (4) constructing, altering, or repairing a sidewalk, curb, gutter, or driveway approach on property under a person's control or in public right-of-way adjoining property under a person's control;
- (5) erecting, moving, or structurally altering or repairing an outdoor sign; or
- (6) causing or permitting the activities described in this section to occur.

(B) A building permit does not authorize the demolition or removal of any part of a structure.

PART 11. Section 25-11-37 (*Demolition Permit Requirement*) of the City Code is amended to read:

§ 25-11-37 DEMOLITION PERMIT REQUIREMENT.

(A) Except as provided in Subsection (B), a [A] person may not demolish all or part of a structure unless the person first obtains a demolition permit from the building official.

(B) A demolition permit is not required to demolish all or part of an interior wall, floor, or ceiling.

(C) ~~(B)~~ Except as provided in Article 4 (*Special Requirements For Historic Landmarks*), the building official may issue a permit to demolish all or part of a structure.

PART 12. The Residential Design and Compatibility Commission members shall conduct an organizational meeting as soon as practicable after their appointment. At the first meeting of the commission, the members shall draw lots to determine whose terms shall expire on October 1 of even-numbered years and whose terms shall expire on October 1 of odd-numbered years.

PART 13. Ordinance Number 20060309-058 is repealed, except that Part 6 (*Waiver*) is continued in effect and applies to a waiver application filed before October 1, 2006.


PART 14. Ordinance Number 20060622-022 is repealed.

PART 15. The Council finds that the need to provide continuity and improvement to the residential design and compatibility regulations constitutes an emergency. Because of this emergency, this ordinance takes effect on October 1, 2006 for the immediate preservation of the public peace, health, and safety.

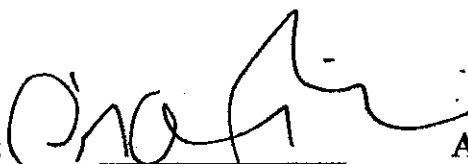
PASSED AND APPROVED

September 28, 2006


§
§
§


Will Wynn
Mayor

APPROVED:

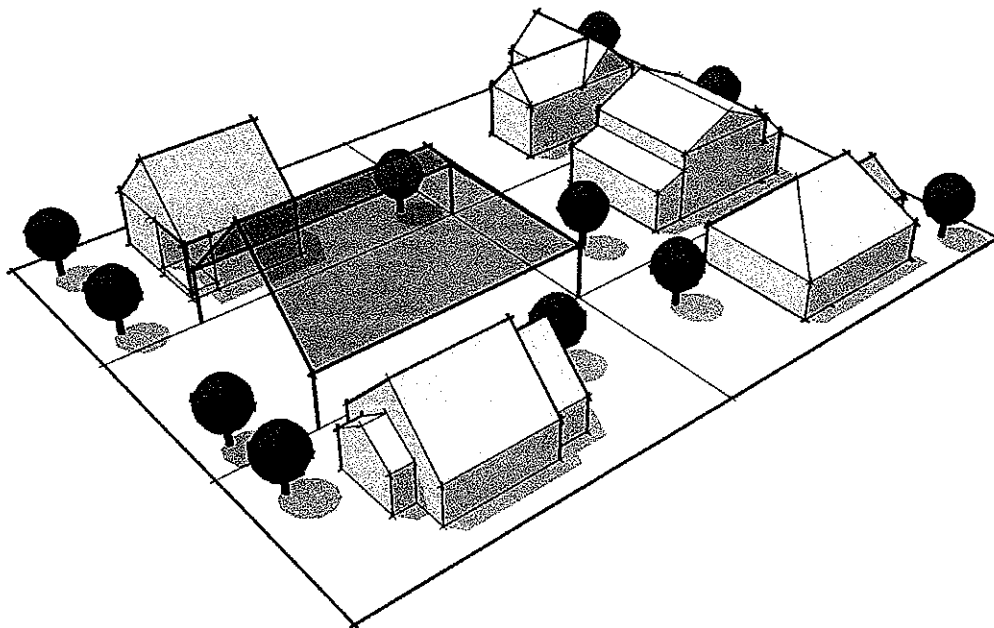

David Allan Smith
City Attorney

ATTEST:


Shirley A. Gentry
City Clerk

SUBCHAPTER F: RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS

Austin, Texas



**APPROVED BY THE CITY COUNCIL
ON SEPTEMBER 28, 2006**

**BASED ON THE JUNE 22, 2006
CITY COUNCIL ORDINANCE AND
SUBSEQUENT AMENDMENTS**

SUBCHAPTER F: RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS

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ARTICLE 1: GENERAL PROVISIONS

1.1. INTENT

This Subchapter is intended to minimize the impact of new construction, remodeling, and additions to existing buildings on surrounding properties in residential neighborhoods by defining an acceptable buildable area for each lot within which new development may occur. The standards are designed to protect the character of Austin's older neighborhoods by ensuring that new construction and additions are compatible in scale and bulk with existing neighborhoods.

1.2. APPLICABILITY

Except as provided in Section 1.3, this Subchapter applies to property that is:

1.2.1. Within the area bounded by:

- A.** Highway 183 from Loop 360 to Ben White Boulevard;
- B.** Ben White Boulevard from Highway 183 to Loop 360;
- C.** Loop 360 from Ben White Boulevard to Loop 1;
- D.** Loop 1 from Loop 360 to the Colorado River;
- E.** The Colorado River from Loop 1 to Loop 360; and
- F.** Loop 360 from the Colorado River to Highway 183; and

1.2.2. Used for a:

- A. Bed and breakfast (group 1) residential use;
- B. Bed and breakfast (group 2) residential use;
- C. Cottage special use;
- D. Duplex residential use;
- E. Secondary apartment special use;
- F. Single-family attached residential use;
- G. Single-family residential use;
- H. Small lot single-family residential use;
- I. Two-family residential use; or
- J. Urban home special use.

1.3. EXCEPTIONS

- 1.3.1. This Subchapter does not apply to a lot zoned as a single-family residence small lot (SF-4A) district unless the lot is adjacent to property zoned as a single-family residence standard lot (SF-2) district or family residence (SF-3) district.
- 1.3.2. This Subchapter does not apply to the approximately 698.7 acres of land known as the Mueller Planned Unit Development, which was zoned as a planned unit development (PUD) district by Ordinance Number 040826-61.
- 1.3.3. The side wall articulation requirement does not apply to new construction that is less than 2,000 square feet in gross floor area and that is less than 32 feet in height.

1.4. CONFLICTING PROVISIONS

- 1.4.1. To the extent of conflict, this Subchapter supersedes:
 - A. Section 25-2-492 (Site Development Regulations);
 - B. Section 25-2-555 (Family Residence (SF-3) District Regulations);
 - C. Section 25-2-773 (Duplex Residential Use);
 - D. Section 25-2-774 (Two-Family Residential Use);
 - E. Section 25-2-778 (Front Yard Setback for Certain Residential Uses);

- F.** Section 25-2-779 (Small Lot Single-Family Residential Uses); and
- G.** Section 25-4-232 (Small Lot Subdivisions).

1.4.2. To the extent of conflict, the following provisions supersede this Subchapter:

- A.** Section 25-2-1424 (Urban Home Regulations);
- B.** Section 25-2-1444 (Cottage Regulations);
- C.** Section 25-2-1463 (Secondary Apartment Regulations); or
- D.** The provisions of an ordinance designating property as a:
 - 1.** Neighborhood plan (NP) combining district;
 - 2.** Neighborhood conservation (NC) combining district; or
 - 3.** Historic area (HD) combining district.

ARTICLE 2: DEVELOPMENT STANDARDS

2.1. MAXIMUM DEVELOPMENT PERMITTED

The maximum amount of development permitted on a property subject to this Subchapter is limited to the greater of 0.4 to 1.0 floor-to-area ratio or 2,300 square feet of gross floor area, as defined in Section 3.3. Floor-to-area ratio shall be measured using gross floor area as defined in Section 3.3.

2.2. BUILDING HEIGHT

Except where these regulations are superseded, the maximum building height for development subject to this Subchapter is 32 feet. Section 25-2-531 (*Height Limit Exceptions*) does not apply to development subject to this Subchapter, except for a chimney, vent, antenna, or energy conservation or production equipment or feature not designed for occupancy. Building height shall be measured under the requirements defined in Section 3.4.

2.3. FRONT YARD SETBACK

A. Minimum Setback Required

The minimum front yard setback required for development subject to this Subchapter is the lesser of:

1. The minimum front yard setback prescribed by the other provisions of this Code; or
2. The average front yard setback, if an average may be determined as provided in subsection B. below.

B. Average Front Yard Setback

1. An average front yard setback is determined based on the setbacks of each principal residential structure that is built within 50 feet of its front lot line.
2. Except as provided in paragraph 3., the four structures that are closest to the subject property on the same side of the block shall be used in the calculation of average front yard setback. If there are less than four structures on the same side of the block, the lesser number of structures is used in the calculation.
3. If there are no structures on the same side of the block, the four structures that are closest to the subject property and across the street are used in the calculation. If there are less than four structures across the street, the lesser number is used in the calculation. See Figure 1.

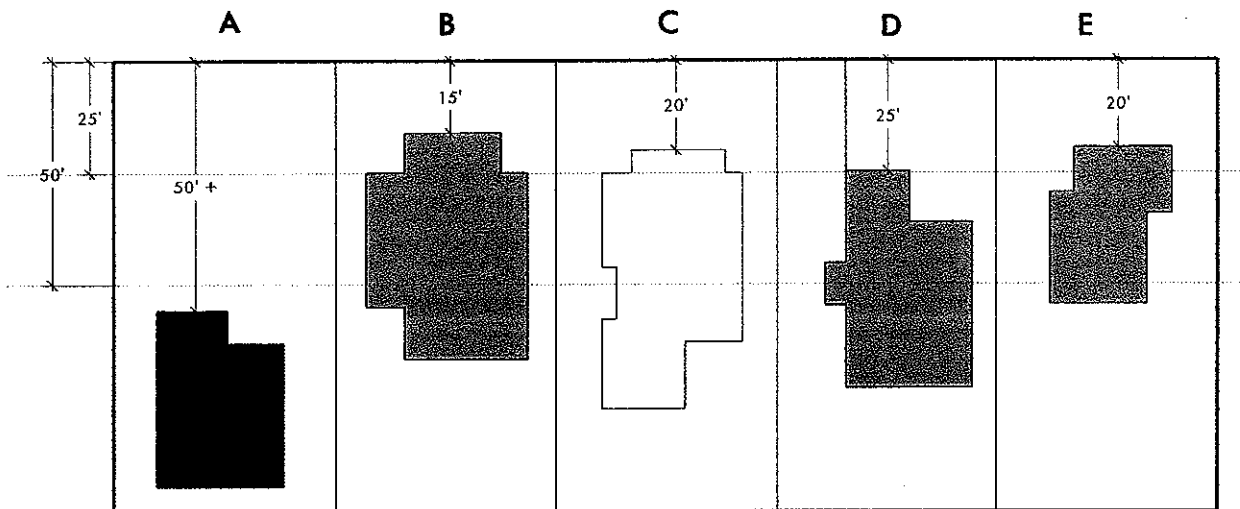


Figure 1: Average Front Yard Setback

In this example, the minimum required front setback in the underlying zoning district is 25 feet. However, because of the variety in existing setbacks of buildings on the same block face, new development on lot C may be located with a setback of only 20 feet, which is the average of the setbacks of lots B, D, and E. The building on lot A is not included in the average because it is located more than 50 feet from the property line.

2.4. REAR YARD SETBACK

The principal structure shall comply with the rear yard setback prescribed by other provisions of this Code. All other structures shall comply with the rear yard setback provisions of this Code, but the minimum rear yard setback may be reduced to five feet if the rear lot line is adjacent to an alley. See Figure 2.

2.5. SIDE YARD SETBACKS

All structures shall comply with the side yard setbacks prescribed by other provisions of this Code.

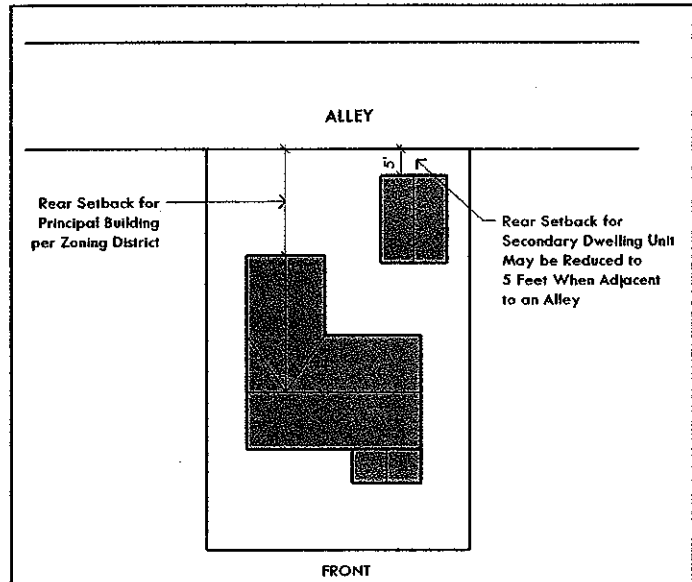


Figure 2: Rear Yard Setback

2.6. SETBACK PLANES

This subsection prescribes side and rear setback planes in order to minimize the impact of new development and rear development on adjacent properties. A structure may not extend beyond a setback plane except as authorized by subsection D. below. The height of a setback plane shall be measured under the requirements defined in Section 3.4.

A. Side Setback Plane

Except as provided in subsection B. below, an inwardly sloping 45-degree angle side setback plane begins at a horizontal line 15 feet directly above the side property line. The 15-foot height of the horizontal line is established for 40-foot deep portions of the lot beginning at the building line and extending to the rear of the lot, except that the last portion at the rear of the lot may be less than 40 feet deep. See Figures 3 through 5.

1. For the first portion, the 15-foot height of the horizontal line is measured at the highest of the elevations of the four intersections of the side lot lines, the building line, and a line 40 feet from and parallel to the building line.
2. For successive portions other than the last portion, the 15-foot height of the horizontal line is measured at the highest of the elevations of the four intersections of the side lot lines and the appropriate two lines that are 40 feet apart and parallel to the building line.
3. For the last portion, the 15-foot height of the horizontal line is measured at the highest of the elevations of the four intersections of the side lot lines, the appropriate line parallel to the building line, and the rear lot line.

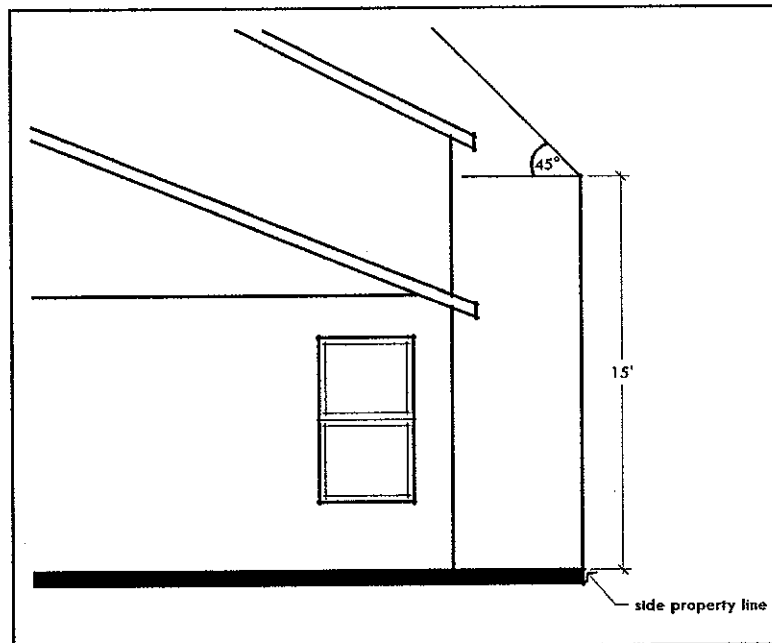


Figure 3: Side Setback Plane Measured From Side Property Line

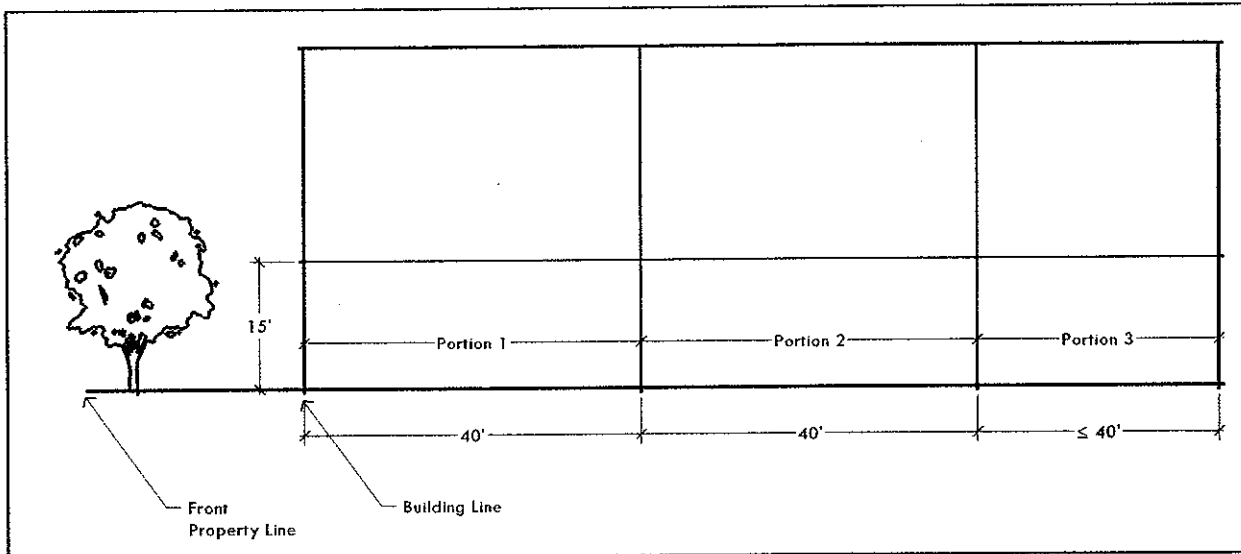


Figure 4: (Elevation View) Dividing Lot into 40-foot Portions to Create Side Setback Planes (Rear Setback Plane Not Shown)

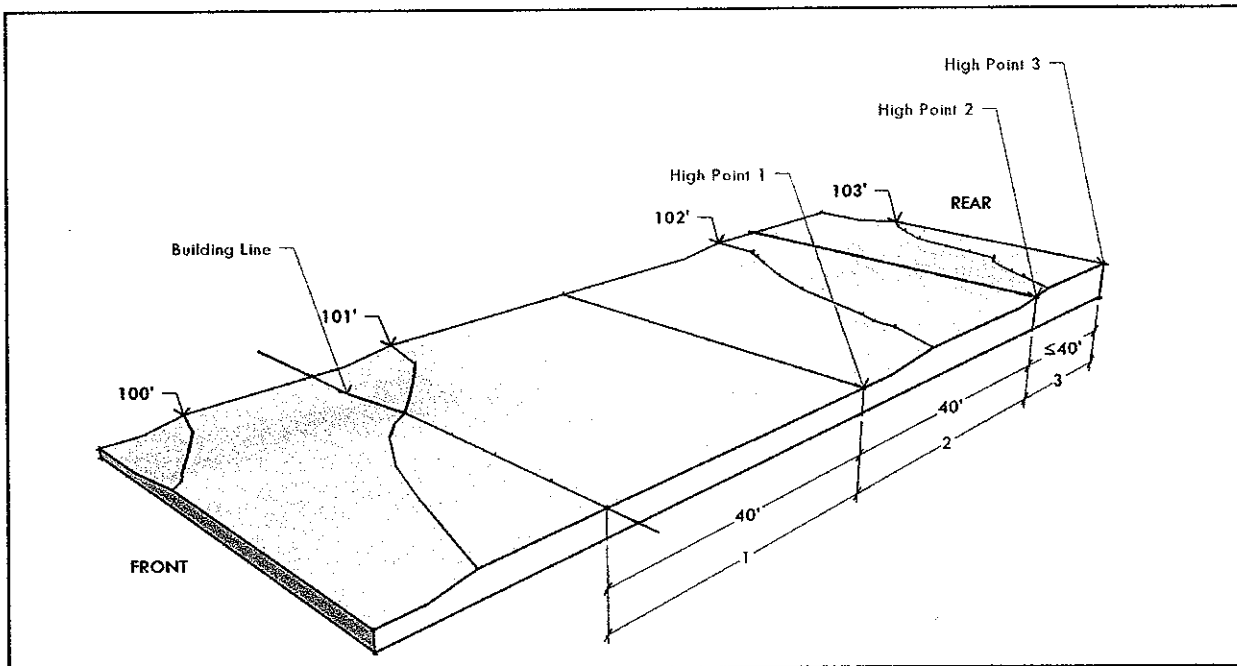


Figure 5: Determining High Points on a Sloping Lot

For each portion of the side setback plane, the 15-foot height of the horizontal line is measured starting from the highest point of the four intersections defining the portion. In this example, topography lines indicate that the lot is sloping downward from the rear to the front of the lot, and from the right to the left. The high points for Portions 1, 2, and 3 are indicated, along with the Building Line.

B. Rear Setback Plane

An inwardly sloping 45-degree angle rear setback plane begins at a horizontal line directly above the rear property line at the same elevation as the horizontal line for the last portion of the side setback plane established in paragraph A.3. See Figures 6 through 9.

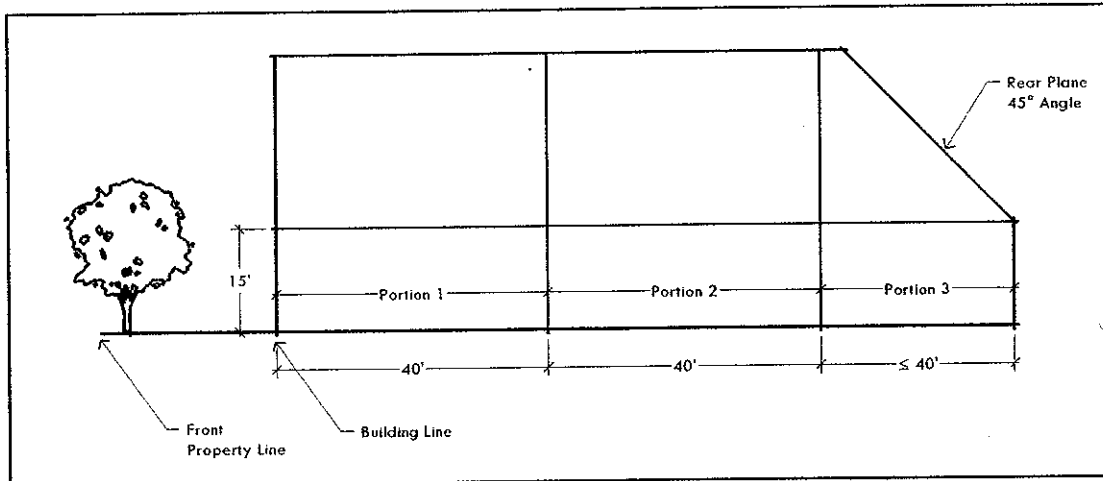


Figure 6: (Elevation View) Rear Setback Plane (Level Ground)

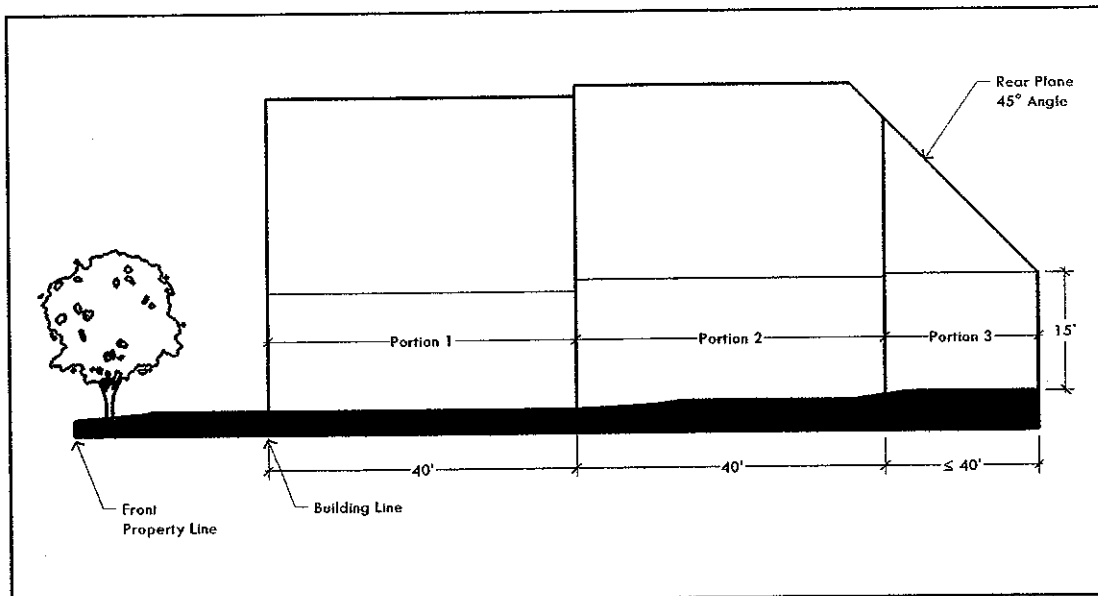


Figure 7: (Elevation View) Rear Setback Plane (Sloping Ground)

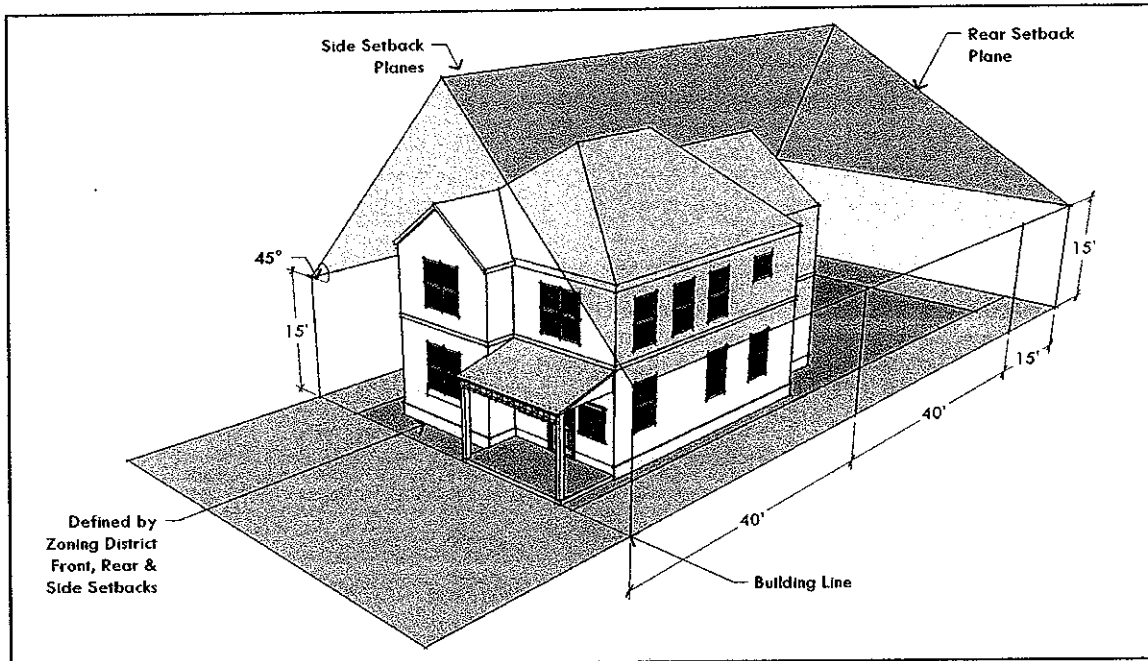


Figure 8: Side and Rear Setback Planes on Level Ground

The side and rear setback planes form a "tent" over the lot, rising from the property lines for 15 feet and then angling in at 45-degree angles from the side and rear. The required front, rear, and side yard setbacks are indicated by the darker shading on the ground.

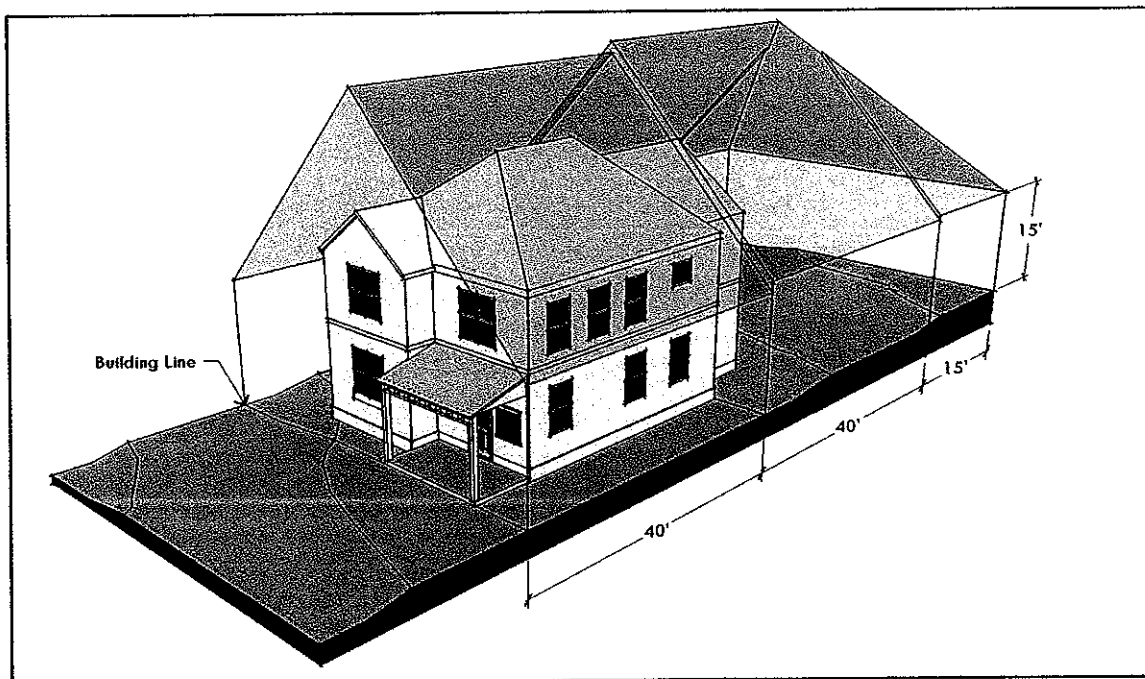


Figure 9: Side and Rear Setback Planes on Sloping Ground

C. Buildable Area

The buildable area, as defined in Section 3.3., consists of the smallest area within the front, side, and rear yard setbacks; maximum height limit; and the combined side and rear setback planes. See Figures 10 and 11.

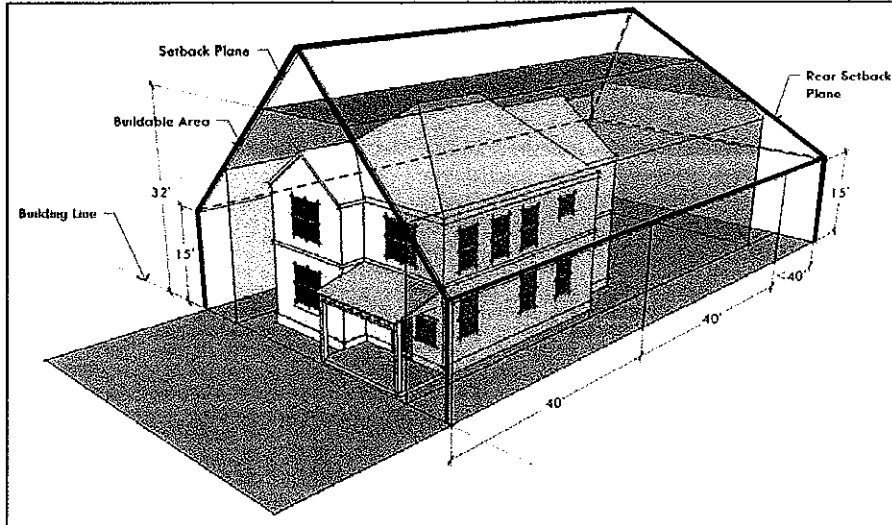


Figure 10: Buildable Area (Combination of Yard Setbacks, Maximum Height Limit, and Setback Planes)

The heavy blue line indicates the "tent" formed by the side and rear setback planes. The buildable area is the smallest area included within the front, side, and rear yard setbacks; maximum height limit; and the combined side and rear setback planes (shown here as the green area).

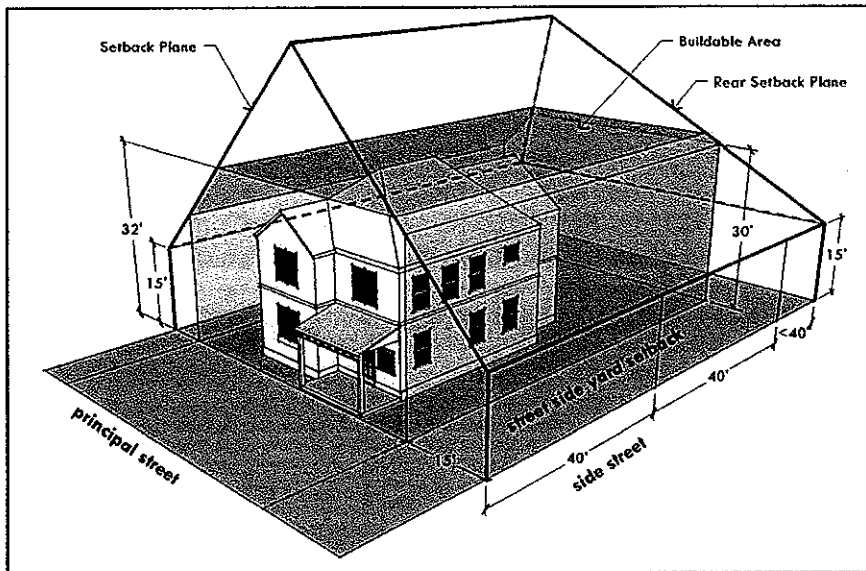


Figure 11: Buildable Area on Corner Lot

This figure shows the same concept illustrated in Figure 10 but for a corner lot that has a greater street side yard setback requirement. In this example, the minimum required street side yard setback in the underlying zoning district is 15 feet. Because the side setback plane is measured from the side property line, the height of the setback plane is 30 feet at the 15-foot street side yard setback line.

D. Side Setback Plane Exception for Existing One-Story Buildings

This subsection applies to a one-story building that was originally constructed or received a building permit for the original construction before October 1, 2006, and that is remodeled to add a second story.

1. For the portion of the construction that is within the footprint of the building that was originally constructed or received a building permit before October 1, 2006, the inwardly sloping 45-degree angle side setback plane begins at a horizontal line directly above the outermost side wall at a height that is equal to the height of the first floor wall plate that was originally constructed or received a building permit before October 1, 2006, plus ten feet. See Figure 12.
2. For the portion of the construction that is outside the footprint of the building that was originally constructed or received a building permit before October 1, 2006, the side setback plane prescribed by subsection A. above applies.

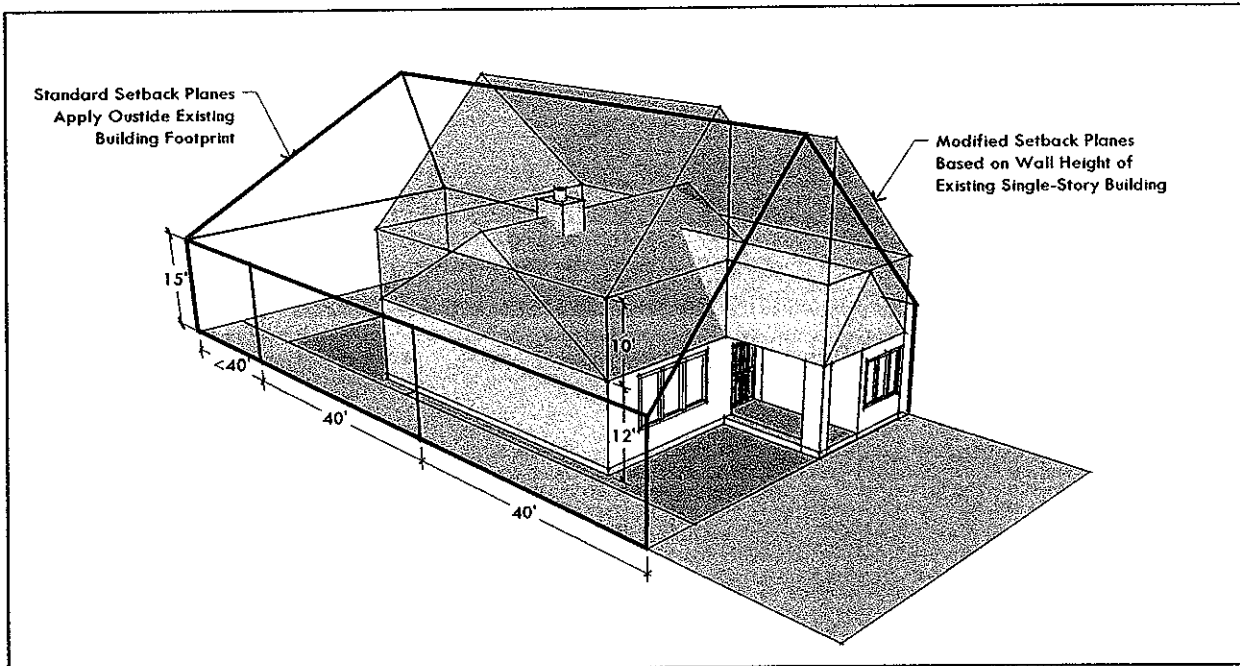


Figure 12: Side Setback Plane Exception for Existing Single-Story Buildings

The side setback planes for an existing single-story building are determined based on the height of the sidewall. In this example, the horizontal line that forms the base of the setback plane is placed ten feet above the sidewall height (12 feet). The revised plane rises above the standard setback plane within the area of the building footprint. The standard setback planes created in sections 2.6.A. and B. apply outside of the existing footprint.

E. Exceptions

A structure may not extend beyond a setback plane, except for:

1. A structure authorized by the Residential Design and Compatibility Commission in accordance with Section 2.8. below;
2. A roof overhang or eave, up to two feet beyond the setback plane;
3. A chimney, vent, antenna, or energy conservation or production equipment or feature not designed for occupancy; and
4. Either:

a. 30-Foot Side-Gabled Roof Exception

A side-gabled roof structure on each side of the building, with a total horizontal length of not more than 30 feet, measured from the building line along the intersection with the side setback plane (See Figure 13.); or

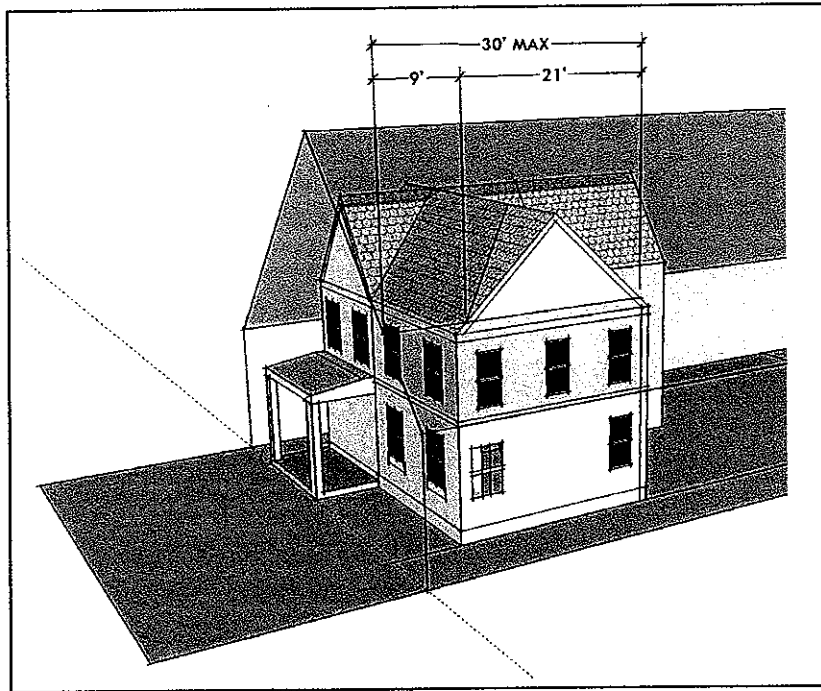


Figure 13: Side-Gabled Roof Exception

A side-gabled roof may project through the side setback plane for a horizontal distance of up to a maximum of 30 feet, measured from the building line. In this example, the gable intrudes into the setback plane beginning 9 feet behind the building line. Therefore, the maximum length of the gable intrusion would be 21 feet.

b. Gables Plus Dormers Exception

- (i) Gables or a shed roof, with a total horizontal length of not more than 18 feet on each side of the building, measured along the intersection with the setback plane (See Figures 14 and 17.); and
- (ii) Dormers, with a total horizontal length of not more than 15 feet on each side of the building, measured along the intersection with the setback plane. (See Figures 15 and 16.)

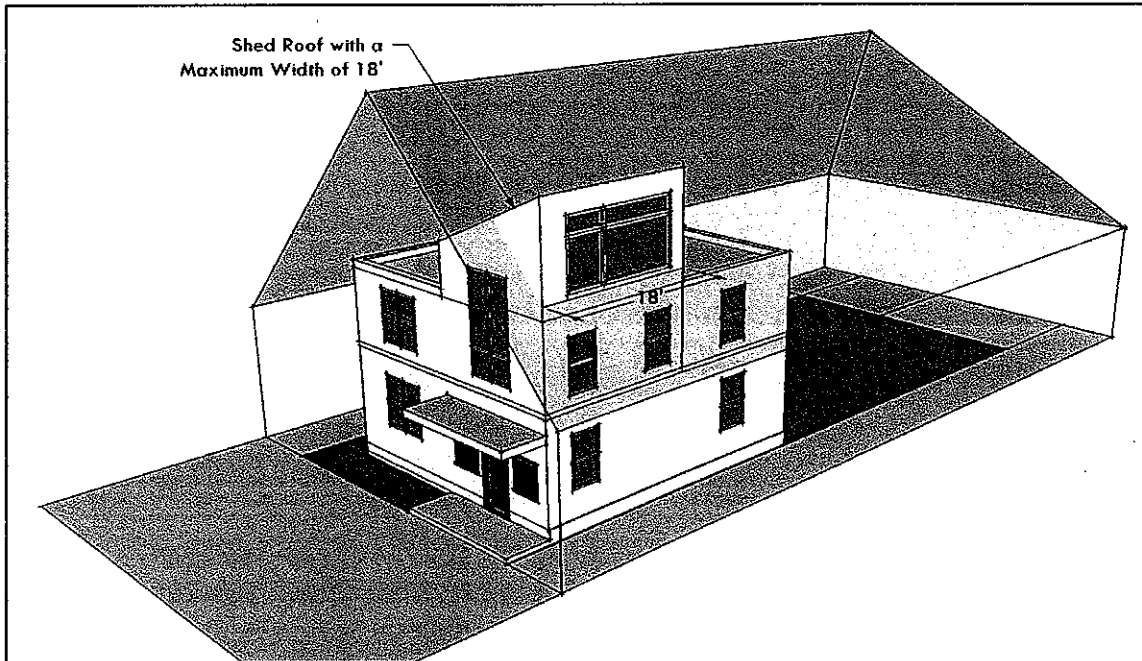


Figure 14: 18-foot Exception for Shed Roof

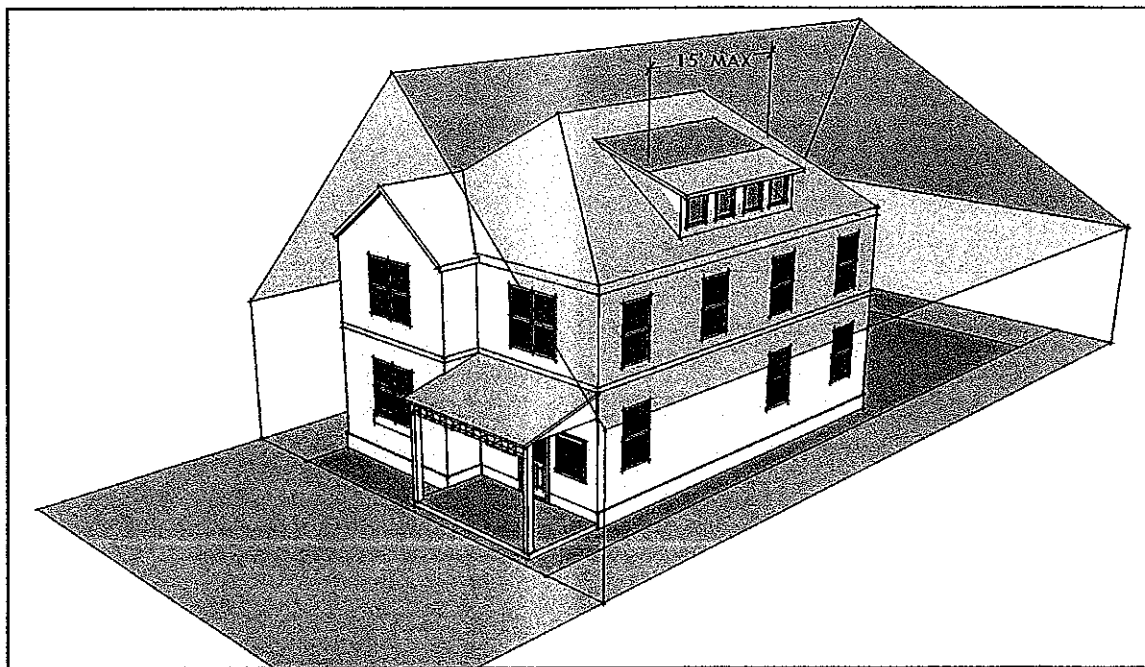
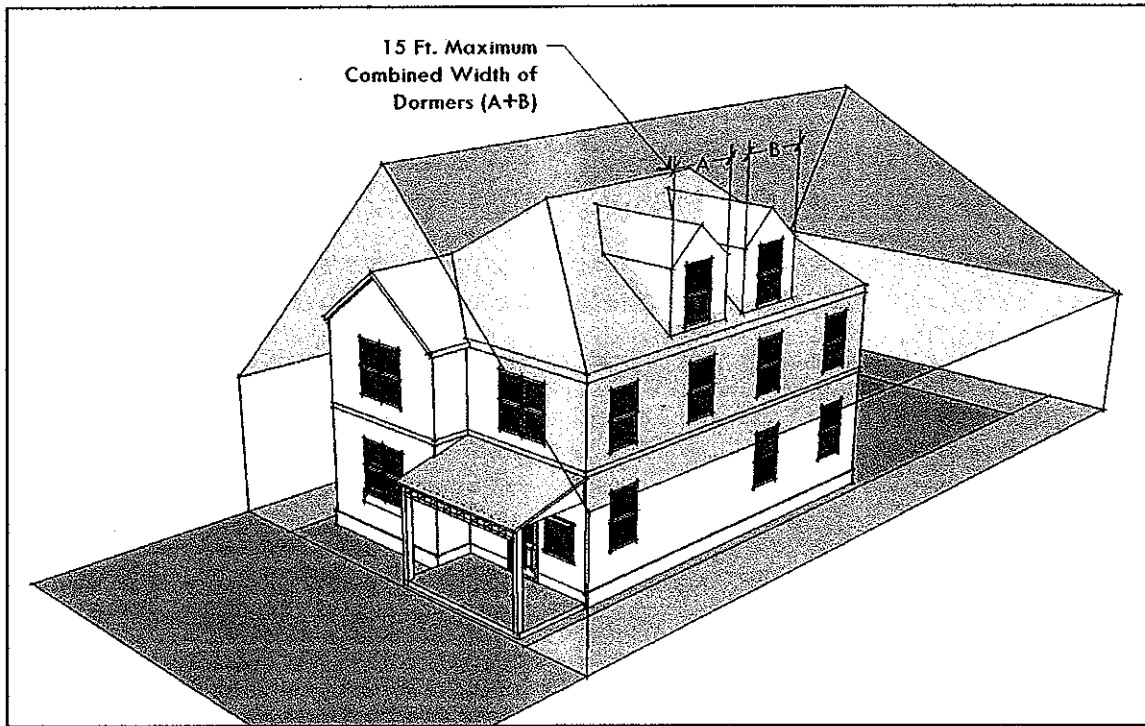


Figure 15 & 16: Dormer Exception (Gable or Shed)

One or more dormers with a combined width of 15 feet or less on each side of the roof may extend beyond the setback plane. The width of the dormer is measured at the point that it intersects the setback plane.

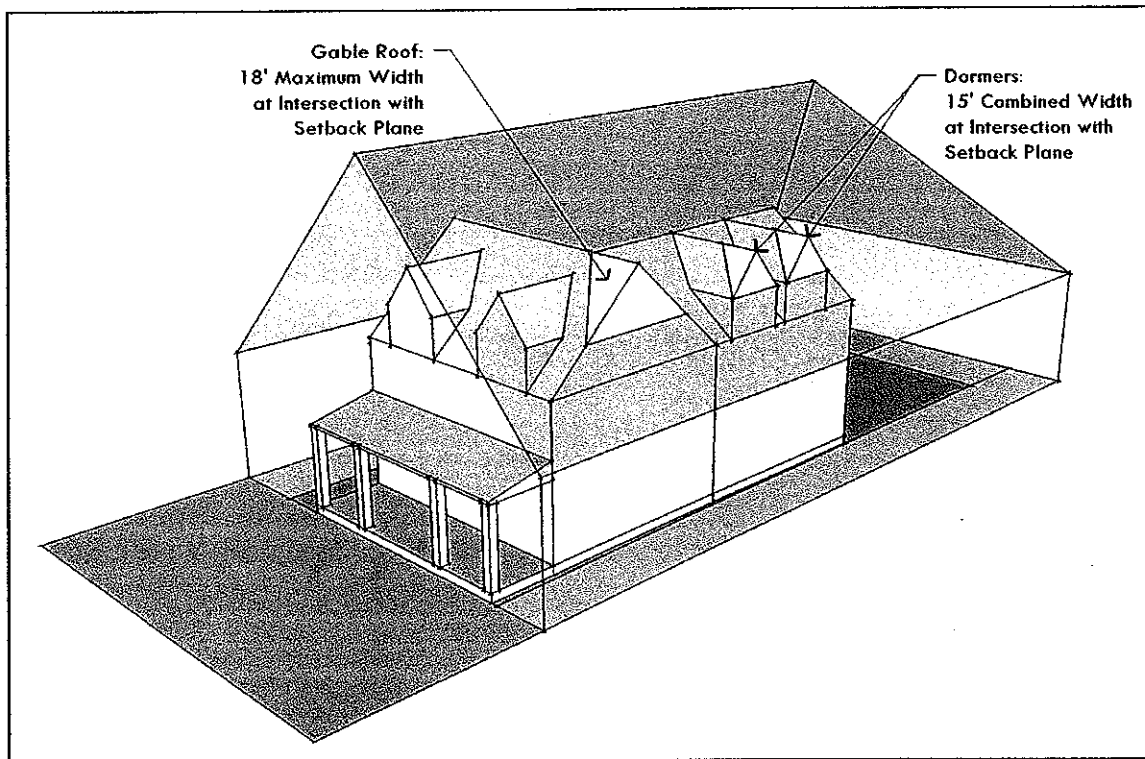


Figure 17: Combination of Roof and Dormer Exceptions

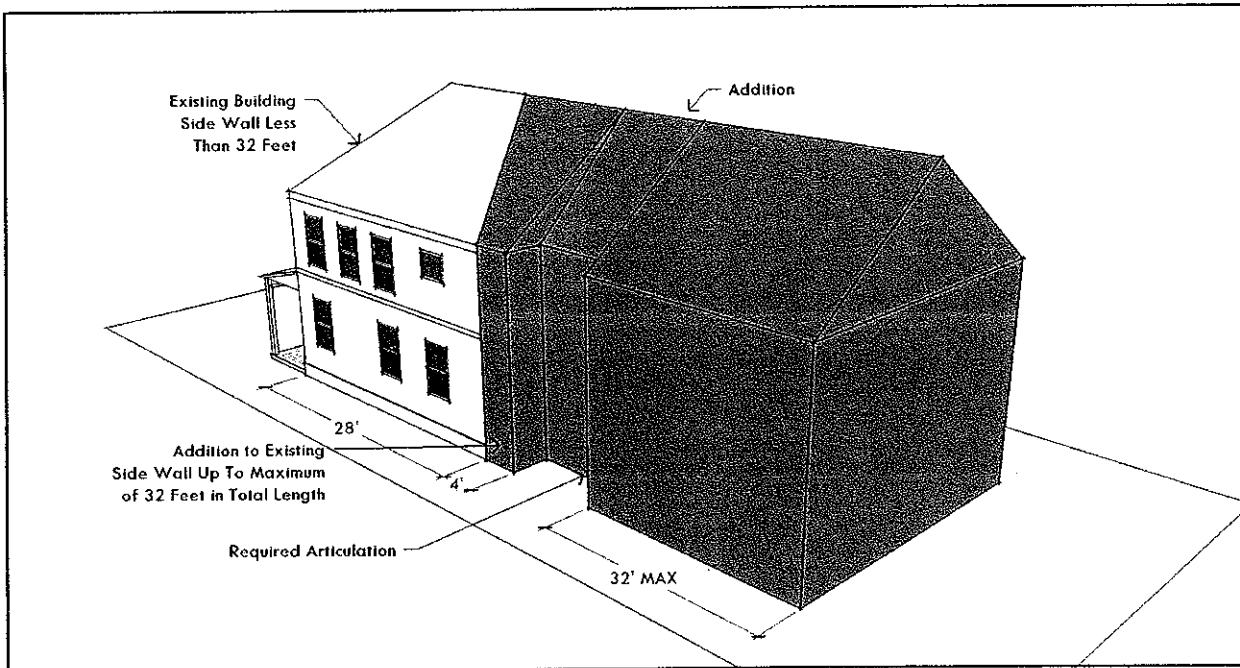


Figure 19: Side Wall Articulation (Existing Side Wall Less Than or Equal to 32 Feet)
An addition to an existing building may extend a side wall up to a maximum of 32' in total length without articulation.

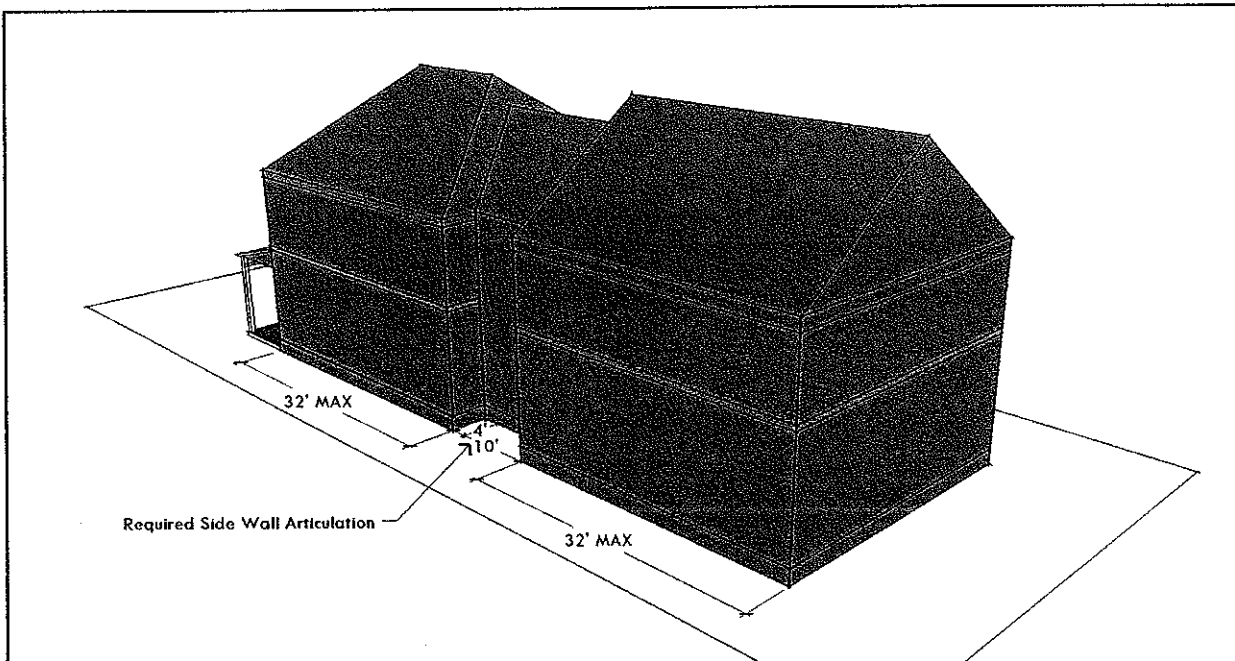


Figure 20: Side Wall Articulation (New Construction)
All new construction must meet the sidewall articulation standards.

2.8. MODIFICATIONS BY THE RESIDENTIAL DESIGN AND COMPATIBILITY COMMISSION

This section provides for modification by the Residential Design and Compatibility Commission of certain requirements of this Subchapter for a proposed development.

2.8.1. Modifications that May be Approved

The Residential Design and Compatibility Commission may approve:

- A.** An increase of up to 25 percent in the:
 - 1. Maximum floor-to-area ratio or maximum square footage of gross floor area;
 - 2. Maximum linear feet of gables or dormers protruding from the setback plane;
 - 3. Maximum side wall length before articulation is required; or
 - 4. Maximum height of the side or rear setback plane; or
- B.** A decrease of up to 25 percent in the minimum depth or length of a required wall articulation.

2.8.2. Modification Procedures

A. Application and Notice

- 1. A person may request a modification listed in subsection 2.8.1. above by filing an application with the Director on a form provided by the Director.
- 2. Not later than the 14th day after an application is filed, the Director shall:

- a.** Mail notice of the application to:

- (i) Each notice owner of property immediately adjacent to the subject property;
 - (ii) The appropriate neighborhood association, if any; and,
 - (iii) The neighborhood plan team, if any; and

- b.** Post notice of the application in accordance with Section 25-1-135 (*Posting of Signs*).

B. Approval Criteria

The Residential Design and Compatibility Commission may, after a public hearing, approve a modification if it determines that the proposed development is compatible in scale and bulk with the structures in the vicinity of the development. In making this determination, the commission shall consider:

- 1. The recommendation of the neighborhood plan team, if any;
- 2. The development's:

- a. Compliance with neighborhood design guidelines, if any;
 - b. Consistency with the streetscape of the properties in the vicinity;
 - c. Consistency with the massing, scale, and proximity of structures located on either side of or behind the development;
 - d. Impact on privacy of adjacent rear yards; and
 - e. Topography and lot shape; and
3. For a development of an entire block, whether the development will have a negative impact on adjacent property.

C. Additional Criteria for Historic Properties

The Residential Design and Compatibility Commission may not approve a modification for:

1. A local, state, or national historic landmark, if the modification would adversely impact the landmark's historic status;
2. A "contributing structure," as defined in Section 25-2-351 (*Contributing Structure Defined*), or a contributing structure in a National Register historic district, if the modification would adversely impact its status as a contributing structure; or
3. A property listed as Priority 1 or Priority 2 on the City's most current survey of historic assets, if the modification would adversely impact the property's architectural integrity or change its priority rating.

D. Appeals

An interested party may appeal the Residential Design and Compatibility Commission's decision to the City Council.

E. Board of Adjustment May Grant Variances

This subsection does not prohibit the Board of Adjustment from granting a variance from a requirement of this Subchapter under 25-2-473 (*Variance Requirements*).

2.9. MODIFICATIONS WITHIN NEIGHBORHOOD PLAN (NP) COMBINING DISTRICTS

Under Section 25-2-1406 of the Code, an ordinance zoning or rezoning property as a neighborhood plan (NP) combining district may modify certain development standards of this subchapter.

ARTICLE 3: DEFINITIONS AND MEASUREMENT

3.1. BUILDABLE AREA

In this Subchapter, BUILDABLE AREA means the area in which development subject to this Subchapter may occur, and which is defined by the side and rear setback planes required by this Subchapter, together with the area defined by the front, side, and rear yard setbacks and the maximum height limit.

3.2. BUILDING LINE

In this Subchapter, BUILDING LINE means a line that is parallel to the front lot line and that intersects the principal residential structure at the point where the structure is closest to the front lot line, including any allowed projections into the front yard setback. See Figure 21.

3.3. GROSS FLOOR AREA

In this Subchapter, GROSS FLOOR AREA has the meaning assigned by Section 25-1-21(Definitions), with the following modifications:

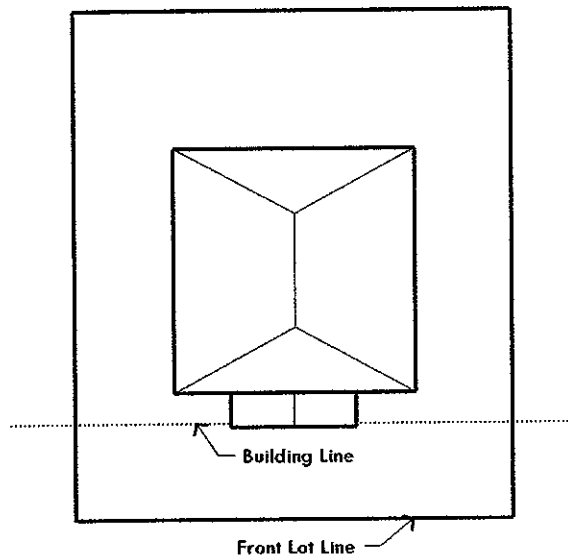


Figure 21: Building Line

3.3.1. The following shall be included in the calculation of gross floor area:

- A. The portion of a second or third story of a building that is covered by a roof, including a porch, portico, breezeway, passageway, or corridor;
- B. A mezzanine or loft; and
- C. The covered portion of a parking area, except for:
 - 1. Up to 450 square feet of:
 - a. A detached rear parking area that is separated from the principal structure by not less than 10 feet; or
 - b. A parking area that is open on two or more sides, if it does not have habitable space above it; and
 - 2. Up to 200 square feet of an attached parking area if it used to meet the minimum parking requirement.

3.3.2. The following shall be excluded from the calculation of gross floor area:

- A. A ground floor porch, including a screened porch;
- B. A habitable portion of a building that is below grade if:
 - 1. It does not extend beyond the first-story footprint; and
 - 2. The finished floor of the first story is not more than three feet above the average elevation at the intersections of the minimum front yard setback line and the side property lines; and
- C. A habitable portion of an attic, if:
 - 1. The roof above it is not a flat or mansard roof and has a slope of 3 to 12 or greater;
 - 2. It is fully contained within the roof structure;
 - 3. It has only one floor;
 - 4. It does not extend beyond the footprint of the floors below;
 - 5. It is the highest habitable portion of the building; and
 - 6. Fifty percent or more of the area has a ceiling height of seven feet or less.

3.3.3. An area with a ceiling height greater than 15 feet is counted twice.

3.4. HEIGHT

For purposes of this Subchapter, the HEIGHT of a building or setback plane shall be measured as follows:

3.4.1. Height shall be measured vertically from the average of the highest and lowest grades adjacent to the building to:

- A. For a flat roof, the highest point of the coping;
- B. For a mansard roof, the deck line;
- C. For a pitched or hip roof, the average height of the highest gable; or
- D. For other roof styles, the highest point of the building.

3.4.2. The grade used in the measurement of height for a building or setback plane shall be the lower of natural grade or finished grade, except height shall be measured from finished grade if:

- A. The site's grade is modified to elevate it out of the 100-year floodplain; or
- B. The site is located on the approximately 698.7 acres of land known as the Mueller Planned Unit Development, which was zoned as a planned unit development (PUD) district by Ordinance Number 040826-61.

3.4.3. For a stepped or terraced building, the height of each segment is determined individually.

- 3.4.4.** The height of a structure other than a building is measured vertically from the ground level immediately under the structure to the top of the structure. The height of a fence on top of a retaining wall is measured from the bottom of the retaining wall.
- 3.4.5.** A maximum height is limited by both number of feet and number of stores if both measurements are prescribed, regardless of whether the measurements are conjoined with "or" or "and."

3.5. NATURAL GRADE

3.5.1. In this Subchapter, NATURAL GRADE is:

- A.** The grade of a site before it is modified by moving earth, adding or removing fill, or installing a berm, retaining wall, or architectural or landscape feature; or
- B.** For a site with a grade that was legally modified before October 1, 2006, the grade that existed on October 1, 2006.

3.5.2. Natural grade is determined by reference to an on-ground survey, City-approved topographic map, or other information approved by the director. The director may require an applicant to provide a third-party report that shows the natural grade of a site.

EXHIBIT Ex4

SUBCHAPTER F: RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS.

ARTICLE 1: GENERAL PROVISIONS.

§ 1.1. INTENT.

This Subchapter is intended to minimize the impact of new construction, remodeling, and additions to existing buildings on surrounding properties in residential neighborhoods by defining an acceptable buildable area for each lot within which new development may occur. The standards are designed to protect the character of Austin's older neighborhoods by ensuring that new construction and additions are compatible in scale and bulk with existing neighborhoods.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022.

§ 1.2. APPLICABILITY.

Except as provided in Section 1.3, this Subchapter applies to property that is:

1.2.1. Within the area bounded by:

- A. Highway 183 from Loop 360 to Ben White Boulevard;
- B. Ben White Boulevard from Highway 183 to South Interstate Highway 35;
- C. South Interstate Highway 35 from Ben White Boulevard to William Cannon Drive;
- D. William Cannon Drive from South Interstate Highway 35 to Manchaca Road;
- E. Manchaca Road from William Cannon Drive to Ben White Boulevard;
- F. Ben White Boulevard from Manchaca Road to Loop 360;
- G. Loop 360 from Ben White Boulevard to Loop 1;
- H. Loop 1 from Loop 360 to the Colorado River;
- I. The Colorado River from Loop 1 to Loop 360; and
- J. Loop 360 from the Colorado River to Highway 183; and

[[Click here to view Map](#)]

1.2.2. Used for a:

- A. Bed and breakfast (group 1) residential use;
- B. Bed and breakfast (group 2) residential use;
- C. Cottage special use;
- D. Duplex residential use;
- E. Secondary apartment special use;
- F. Single-family attached residential use;
- G. Single-family residential use;
- H. Small lot single-family residential use;
- I. Two-family residential use;
- J. Urban home special use;
- K. Club or lodge;
- L. Daycare services (general and limited);
- M. Family homes;
- N. Group homes (general and limited);
- O. Condo residential;
- P. Retirement housing (small and large site); or
- Q. Townhouse residential.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093; Ord. 20100805-051.

§ 1.3. EXCEPTIONS.

1.3.1. This Subchapter does not apply to a lot zoned as a single-family residence small lot (SF-4A) district unless the lot is adjacent to property zoned as a single-family residence standard lot (SF-1), single-family residence standard lot (SF-2) district, or family residence (SF-3) district.

1.3.2. This Subchapter does not apply to the approximately 698.7 acres of land known as the Mueller Planned Unit Development, which was zoned as a planned unit development (PUD) district by Ordinance Number 040826-61.

1.3.3. This Subchapter does not apply to uses listed in subsections 1.2.2(K)-(Q) of Section 1.2 if an applicant has agreed, in a manner prescribed by the director, to comply with the requirements of Chapter 25-2, Article 10 (*Compatibility Standards*).

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093.

§ 1.4. CONFLICTING PROVISIONS.

1.4.1. To the extent of conflict, this Subchapter supersedes:

- A. Section 25-1-21 (*Definitions*);
- B. Section 25-2-492 (*Site Development Regulations*);
- C. Section 25-2-555 (*Family Residence (SF-3) District Regulations*);
- D. Section 25-2-773 (*Duplex Residential Use*);
- E. Section 25-2-774 (*Two-Family Residential Use*);
- F. Section 25-2-778 (*Front Yard Setback for Certain Residential Uses*);
- G. Section 25-2-779 (*Small Lot Single-Family Residential Uses*); and
- H. Section 25-4-232 (*Small Lot Subdivisions*).

1.4.2. To the extent of conflict, the following provisions supersede this Subchapter:

- A. Section 25-2-1424 (*Urban Home Regulations*);
- B. Section 25-2-1444 (*Cottage Regulations*);
- C. Section 25-2-1463 (*Secondary Apartment Regulations*); or
- D. The provisions of an ordinance designating property as a:
 - 1. Neighborhood plan (NP) combining district;
 - 2. Neighborhood conservation (NC) combining district; or
 - 3. Historic area (HD) combining district.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022;
Ord. 20080618-093.

ARTICLE 2: DEVELOPMENT STANDARDS.

§ 2.1. MAXIMUM DEVELOPMENT PERMITTED.

The maximum amount of development permitted on a property subject to this Subchapter is limited to the greater of 0.4 to 1.0 floor-to-area ratio or 2,300 square feet of gross floor area, as defined in Section 3.3. Floor-to-area ratio shall be measured using gross floor area as defined in Section 3.3, except that the lot area of a flag lot is calculated consistent with the requirements of Section 25-1-22 (*Measurements*).

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022;
Ord. 20080618-093.

§ 2.2. BUILDING HEIGHT.

Except where these regulations are superseded, the maximum building height for development subject to this Subchapter is 32 feet. Section 25-2-531 (*Height Limit Exceptions*) does not apply to development subject to this Subchapter, except for a chimney, vent, antenna, or energy conservation or production equipment or feature not designed for occupancy. Building height shall be measured under the requirements defined in Section 3.4.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022.

§ 2.3. FRONT YARD SETBACK.

A. Minimum Setback Required. The minimum front yard setback required for development subject to this Subchapter is the lesser of:

1. The minimum front yard setback prescribed by the other provisions of this Code; or
2. The average front yard setback, if an average may be determined as provided in subsection B. below.

B. Average Front Yard Setback. The following rules apply for purposes of the setback calculation required by paragraph A.2:

1. A front yard setback is the distance between the front lot line and the closest front exterior wall or building façade of the principal residential structure located on the lot.
2. Except as provided in paragraph 3, average front yard setback is determined using the front yard setback of the four principal residential structures that are: (a) built within fifty feet of the front lot line; and (b) closest to, and on the same side of the block, as the property subject to the setback required by this section.